REPORT RESUMES

ED 003 364 24

THE ANALYSIS OF PUBLIC CONTROVERSY, A STUDY IN CITIZENSHIP EDUCATION.

BY- OLIVER, DONALD W. AND OTHERS

HARVARD UNIV., CAMBRIDGE, MASS.,LAB. RES.IN INSTR.

REPORT NUMBER CRP-551-VOL-1 PUB DATE 62

HARVARD UNIV., CAMBRIDGE, MASS.,GRAD. SCH.OF EDUC.

EDRS PRICE MF-$0.45 HC-$13.52 338P.

DESCRIPTORS- SOCIAL STUDIES, SOCIAL VALUES, *SOCIAL PROBLEMS, *CITIZENSHIP, PUBLIC SCHOOLS, TEACHING PROGRAMS, PROGRAM EVALUATION, *CURRICULUM DEVELOPMENT, *POLITICAL ISSUES, *SOCIAL SCIENCES, CAMBRIDGE, MASSACHUSETTS

THIS PROJECT REPORTED ON PUBLIC CONFLICT AND POLITICAL CONTROVERSY AS CONTENT ELEMENTS IN PUBLIC SCHOOL, SOCIAL SCIENCE PROGRAMS. PART 1 DISCUSSED CRITERIA FOR CONTENT SELECTION IN THE SOCIAL STUDIES AS GENERAL EDUCATION AND AS AN ANALYSIS OF SOCIAL VALUES. PART 2 DESCRIBED A FRAMEWORK FOR ANALYSIS OF PUBLIC CONTROVERSY IN AMERICA. PART 3 DEALT WITH IMPLEMENTATION OF CONTEMPORARY POLITICAL ISSUES IN PUBLIC SCHOOL SOCIAL STUDIES CURRICULUM. SUMMARIES AND CONCLUSIONS WERE PRESENTED FOR THE JUSTIFICATIONS OF THE PROGRAM AND THE ANALYTIC FRAMEWORK DESCRIPTIONS. A REPORT WAS INCLUDED ON THE DEVELOPMENT AND EVALUATION OF A TRIAL PROGRAM FOR TEACHING STUDENTS ABOUT CONTROVERSIAL ISSUES. THE INFORMATION IS PRESENTED IN TWO VOLUMES. VOLUME 2, WHICH CONTAINED A CONTINUATION OF PART 3, WAS ASSIGNED ACCESSION NUMBER ED 003 365. (RS)

Cooperative Research Project, 8145
(Contract #SAE-551)

THE ANALYSIS OF PUBLIC CONTROVERSY
A STUDY IN CITIZENSHIP EDUCATION

by

Donald W. Oliver

and

James P. Shaver

U. S. DEPARTMENT OF HEALTH, EDUCATION AND WELFARE
Office of Education
This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated do not necessarily represent official Office of Education position or policy.

With the assistance of:
Harold Berlak
and
Ernest Van Seasholes

The research reported herein was performed
pursuant to a contract with the United States Office of Education,
Department of Health, Education, and Welfare

Harvard Graduate School of Education
Harvard University
1962

ED 003364

CONTENTS

Volume I

PART ONE
THE SOCIAL STUDIES AS GENERAL EDUCATION

Chapter — Page

I. AN APPROACH TO THE SELECTION OF CONTENT IN THE SOCIAL STUDIES.................................. 1:1 - 1:18

1. Two Preliminary Points............................ 1:1
2. Criteria for the Selection of Social Studies Content.. 1:4
3. The Difficulty of the Liberal Position.......... 1:7
4. Selection of Specific Problem Areas............. 1:12
5. A Consideration of Some Criticisms of Our Position... 1:13
6. Summary and Conclusion........................... 1:17

II. SOCIAL VALUES IN THE ANALYSIS OF POLITICAL CONTROVERSY 2:1 - 2:32

1. Alternative Ethical Positions by Which to Deal with Value Conflict in a Democratic Society..... 2:12

PART TWO
A CONCEPTUAL FRAMEWORK FOR THE ANALYSIS OF PUBLIC CONTROVERSY IN AMERICAN SOCIETY

III. THE ETHICAL COMMITMENT OF A DEMOCRATIC SOCIETY...... 3:1 - 3:12

1. Social Values and Human Dignity................. 3:1
2. Rational Consent................................. 3:4
3. The Government and Basic Social Values.......... 3:8

IV. PROCEDURAL PRINCIPLES OF AMERICAN GOVERNMENT........ 4:1 - 4:19

1. Introduction..................................... 4:1
2. Selected Principles of American Governmental Procedure.. 4:2
3. Substantive Goals of American Democratic Government....................................... 4:10
4. An Epilogue: Some Qualifications............... 4:15

V. SELECTED ANALYTICAL CONCEPTS FOR THE CLARIFICATION OF PUBLIC CONTROVERSY.............................. 5:1 - 5:26

1. Introduction..................................... 5:1
2. The Sidewalk Speech.............................. 5:1
3. Analyzing Three Types of Disagreement and Strategies for Their Resolution................ 5:5

CONTENTS

Chapter — Page

VI. SOME RELATIONSHIPS BETWEEN PROBLEM TYPES.......... 6:1 - 6:10

1. Conclusion....................................

VII. A SUMMARY OF IMPORTANT INTELLECTUAL OPERATIONS INVOLVED IN TEACHING THE ANALYSIS OF POLITICAL CONTROVERSY...................................... 7:1 - 7:7

1. Summary of Major Intellectual Operations...... 7:1
2. Conclusion.................................... 7:5

PART THREE
IMPLEMENTING THE APPROACH:
THE DEVELOPMENT AND EVALUATION OF A TRIAL PROGRAM

VIII. AN OVERVIEW OF THE HARVARD-CONCORD PROJECT........ 8:1 - 8:6

1. Community and School Setting.................. 8:1
2. Problems Investigated......................... 8:4

IX. SELECTING AND ORGANIZING PROBLEM UNITS FOR THE TEACHING OF CONTEMPORARY ISSUES................... 9:1 - 9:26

1. The Selection and Organization of Problem Topics.. 9:1
2. Identification of General Problem Areas....... 9:6
3. The Order of Units in a Course and the Order of Controversial Cases in a Unit.............. 9:11
4. Illustrative Lesson Plan...................... 9:18
5. Three Qualifications Regarding the Problem-Topic Unit Organization....................... 9:20
6. The Unit Outlines............................. 9:26

APPENDIX A

A-1 Outline of a Teaching Unit on School Desegregation............................... A-1:1 - A-1:6

A-2 Descriptive Guide to Materials on School Desegregation............................... A-2:1 - A-2:3

A-3 Sample Documents of Instruction for a Unit on School Desegregation in the South........... A-3:1 - A-3:56

Documents:
#1 The Negro in America, 1600-1865
#2 The First Day of School
#3 Racial and Cultural Differences Between Negroes and Whites: A Text

CONTENTS

Chapter Page

#4 The Train Seat: A Fictionalized Account Based on Plessy v. Ferguson
#5 Separate But Equal in Practice
#6 A Text on Judicial History of School Integration
#7 The May 17th Decision
#8 Implementing the Supreme Court Decision on Desegregation
#9 Washington, D.C.
#10 St. Louis
#11 Baltimore
#12 Arlington, Virginia
#13 Front Royal, Warren County, Virginia
#14 Summerton
#15 Little Rock: Case II
#16 Abalousa
#17 Integration Updating: September, 1960
#18 Integration -- Fall, 1960

APPENDIX B

B-1 Outline of a Teaching Unit on Organized Labor in America........................... B-1:1 - B-1:8

B-2 Descriptive Guide to Materials on Organized Labor in America........................... B-2:1 - B-2:3

B-3 Sample Documents of Instruction for a Unit on Organized Labor in America............... B-3:1 - B-3:83

Documents:

#1 Changes Brought by the Industrial Revolution
#2 Carrie Meeber -- A Story on Working Conditions in the United States in 1900
#3 Industrial America -- The Late 1800's: The Rich and the Poor
#4 An Introduction to Collective Bargaining and the Development of American Labor Unions
#5 A Brief Description of Some Major American Labor Unions, Past and Present
#6 The Homestead Strike
#7 The Pullman Strike
#8 The Wagner Act
#9 Browne and Sharpe Manufacturing Company
#10 Kohler of Kohler
#11 Better Wages and Working Conditions Through Legislation
#12 Major Trends in the Labor Movement Since 1930

CONTENTS

Chapter | Page

#13 Responsible Union Leadership
#14 The Exercise of Power by Labor Union Leadership
#15 National Labor Relations Board v. Jones and Laughlin Steel Corporation (1937)
#16 United Rubber Workers -- A Responsible Union
#17 New York Waterfront Labor
#18 Right to Work Laws #1
#19 Steelworkers
#20 Right to Work Laws #2
#21 The Thompson Company

Volume II

X. EVALUATING COMPETENCE IN THE ANALYSIS OF POLITICAL CONTROVERSY.. 10:1 - 10:70

1. Some Major Measurement Efforts to Assess the Ability to Analyze Political and Social Issues 10:1
2. Problems with Available Measures............... 10:19
3. Suggested Criteria for Test Construction....... 10:24
4. The Development of Four Experimental Measures.. 10:30
5. SIAT No. 4, A System for Analyzing Free Discussion.................................... 10:51
6. Static Categories.............................. 10:64
7. Some Concluding Statements on Evaluations...... 10:69

XI. TEACHING ANALYTIC SKILLS IN THE SOCIAL STUDIES: A REVIEW OF RESEARCH.............................. 11:1 - 11:78

1. Elements of the Experimental Situation......... 11:15
2. The Testing Program............................ 11:35
3. Summary of Testing Program..................... 11:42
4. Results.. 11:44
5. Conclusions.................................... 11:76

XII. TEACHER STYLE AND THE ANALYSIS OF THE STUDENT-TEACHER DIALOGUE............................... 12:1 - 12:64

1. The Global Dichotomy........................... 12:1
2. The Analysis of Teacher Style: the Logical Approach....................................... 12:12
3. Some Concluding Remarks About Research in Teaching Style................................ 12:18
4. A Multidimensional Analysis of the Act of Teaching....................................... 12:19

CONTENTS

Chapter | Page

APPENDIX C: SCORING PROCEDURES FOR AN OBSERVATION SYSTEM TO DESCRIBE TEACHING STYLE AND LEARNING OUTCOMES.. C-1:1 - C-1:17

XIII. STUDENT PERSONALITY AND THE ANALYSIS OF PUBLIC CONTROVERSY.................................. 13:1 - 13:40

1. Two Pilot Experiments......................... 13:5
2. Personality Measures Administered in the Concord Project.................................... 13:13
3. Interaction Between Student Personality and Teaching Style................................ 13:23
4. General Conclusion............................ 13:26

TABLE OF TABLES

Chapter			Page
X	10.1	Responses of Harvard First Year Graduate Students in Social Studies Education on Experimental SIAT No. 1	10:34
	10.2	Correlations of Forms of SIAT No. 2 Administered in November, 1959 and June, 1961 to 109 Junior High School Students	10:42
	10.3	Correlations Between Three Forms of SIAT	10:53
	10.4	Dynamic Categories	10:60
	10.5	Static Categories	10:61
	10.6	Reliability Estimates for Four Observers Using the Category System	10:66
	10.7	Reliability Between Two Scorers for Specific Valued Acts on the SIAT No. 4 for 32 Student-Led Discussions	10:67
XI	11.1	Timetable Describing Social Studies Program for Students Engaged in Two Year Experimental Curricula (Grade Seven)	11:16
	11.2	A Summary of the Experimental Curriculum	11:19
	11.3	Educational Background and Teaching Experience of the Experimental Teachers	11:30
	11.4	General Characteristics of Experimental and Control Groups	11:32
	11.5	Brief Description of Curricula in Control Schools	11:35
	11.6	Comparison of Concord Experimental Group with Control Schools on Wagmis Test with Means Adjusted for Pre-test Score (Fall, 1960) and Intelligence	11:45
	11.7	Comparison of Concord Experimental Group with Control Schools on Wagmis Test with Means Adjusted for Pre-test Score (Spring, 1960) and Intelligence	11:46

TABLE OF TABLES

Chapter Page

11.8 Comparison of Concord Experimental Group with Control Schools on Ited. No. 5 with Means Adjusted for Pre-test Score (Fall, 1959) and Intelligence.................................... 11:48

11.9 Comparison of Concord Experimental Group with Control Schools on Ited. No. 5 with Means Adjusted for Pre-test Score (Spring, 1960) and Intelligence.................................... 11:49

11.10 Comparison of Concord Experimental Group with a Control School on SIAT No. 1 with Means Adjusted for Intelligence................................ 11:52

11.11 Means of Concord Students on SIAT No. 2, Subtests Based on Topics Not Studied in Experimental Curriculum.................................... 11:54

11.12 Comparison of Concord Experimental Group with Control Schools on SIAT No. 2 with Means Adjusted for Pre-test Score and Intelligence..... 11:55

11.13 Comparison of Concord Experimental Group with Control School on SIAT No. 3 with Means Adjusted for Pre-test Score and Intelligence..... 11:57

11.14 Comparison of Concord Experimental Group with a Control School on SIAT No. 4 with Means Adjusted for Pre-test Score and Intelligence..... 11:59

11.15 Comparison of Student-Led Groups in Concord and West Scored by Modified SIAT No. 4 Content Analysis System............................ 11:60

11.16 Comparison of Concord Experimental Group with Control Schools on Ited. No. 1 with Means Adjusted for Pre-test Score and Intelligence..... 11:64

11.17 Comparison of Concord Experimental Group with Control Schools on Principles of American Citizenship Test with Means Adjusted for Pre-test Score and Intelligence..................... 11:66

11.18 Means and Standard Deviations of Control Measures Used in Comparing Students Taught by Experimental Curriculum and Conventional American History Curriculum on California American History Test... 11:69

TABLE OF TABLES

Chapter			Page
	11.19	Correlation of Control Measures Used in Comparing Students Taught by Experimental Curriculum and Conventional American History Test...............	11:69
	11.20	Comparison of Conventional and Experimental Groups on California American History Test: Immediate Testing at End of Seventh-Eighth Grade Sequence..	11:70
	11.21	Comparison of Conventional and Experimental Groups on California American History Test: One Year Delay at End of Grade Nine......................	11:71
	11.22	Comparison of Concord Experimental Group with Control Schools on "Project Topics" Headlines Test with Means Adjusted for Pre-test Score and Intelligence......................................	11:74
	11.23	Comparison of Concord Experimental Group with Control Schools on "General Topics" Headlines Test with Means Adjusted for Pre-test Score and Intelligence......................................	11:76
XII	12.1	Brief Definitions of the Categories in a Preliminary Observational System for the Description of Teacher Style................................	12:34
	12.2	Summary of Probabilities of Chi-Squares Resulting From Estimation of Observer Reliability for Forty-one Discussions Scored by Five Observers.........	12:38
	12.3	Tests of Interaction Between Category and Style for Transformed Proportions of Teachers' Acts....	12:40
	12.4	Tests of Interaction Between Category and Style for Transformed Proportions of Acts of Individual Teachers......................................	12:41
	12.5	Predicted Differences in Categorizations of Behavior for Teachers Attempting to Use the Two Styles..	12:43
	12.6	Comparison of Means of Transformed Proportions of Interacts for Teachers Attempting to Use the Two Styles..	12:45
	12.7	Interaction Between Category and Teacher for Transformed Proportions of Acts of Teachers Attempting to Use the Two Styles.................	12:46

TABLE OF TABLES

Chapter			Page
	12.8	Comparison of Means of Transformed Proportions of Interacts for Teachers Attempting to Use the Socratic Style........................	12:47
	12.9	Same for Teachers Attempting to Use the Recitation Style.........................	12:48
	12.10	Distribution of Means of Transformed Proportions for Categories for Which Differences Were Predicted Between Styles and in Which There were Significant Differences Among Teachers within Either the Socratic or Recitation Style.......	12:50
	12.11	Values Resulting from the Transformation of Some Proportions with the Inverse Sine Transformation............................	12:51
	12.12	Types of Groups Taught and Styles Used by Four Experimental Teachers.....................	12:53
	12.13	Selected Variables Describing Ten Matched Groups..................................	12:54
	12.14	Comparison of Experimental Groups Taught by Socratic and Recitation Styles During Discussions of Controversial Cases...........	12:56
	12.15	Comparison of Means of Ten Subgroups Taught by Four Teachers with Recitation and Socratic Scores Adjusted for Pre-test Score and I.Q....	12:60
	12.16	Four-Fold Tables Describing Relationship Between Ability of Experimental Subgroups and Learning Outcomes.........................	12:63
XIII	13.1	Correlations Between Student's Score on Production of Transformations Test and Four Learning Outcome Measures for Socratic and Control Group............................	13:11
	13.2	Reliability Estimates for Personality Variables	13:18
	13.3	Correlations Between Selected Personality Variables and Learning Outcomes with I.Q., Verbal Ability, Abstract Reasoning, and Clerical Skill Partialed Out.........................	13:20

TABLE OF TABLES

Chapter Page

13.4 Summary of Personality Measures and Learning Outcome. Measures Included in the Two-Way Analysis of Variance Investigation of the Interaction Between Student Personality and Teacher Style.................................. 13:24

13.5 Summary of Two-Way Analysis of Variance Results Showing Effects of Recitation and Socratic Teacher Styles and Student Need-Cognition on Five Learning Outcomes with Covariance Adjustment For I.Q. and Pre-test Score................................. 13:25

13.6 Summary of Two-Way Analysis of Variance Results Showing Effects of Recitation and Socratic Teacher Styles and F-Scale on Five Learning Outcomes with Covariance Adjustment for I.Q. and Pre-test Score................................. 13:27

13.7 Summary of Two-Way Analysis of Variance Results Showing Effects of Recitation and Socratic Teacher Styles and Dichotomization on Five Learning Outcomes with Covariance Adjustment for I.Q. and Pretest Score.................................... 13:28

Donald W. Oliver and James P. Shaver
The Analysis of Public Controversy: A Study in Citizenship Education

Copyright 1963, President and Fellows of Harvard College

ACKNOWLEDGEMENTS

We wish to make the following acknowledgements for direct quotations cited in the text of the report.

Chapter Two, pages 1-4:
Gunnar Myrdal, *An American Dilemma* (New York: Harper and Brothers, 1944), pp. 1027-1031. Reprinted by permission of Harper and Row, Publishers, Incorporated.
Chapter Two, pages 30,31:
Morton White, *Social Thought in America: The Revolt Against Formalism* (Boston: Beacon Press, 1957), pp. 275-277.
Chapter Three, page 2:
Edmond Cahn, *The Moral Decision* (Bloomington: Indiana University Press, 1956), pp. 135-136. Reprinted by permission of Indiana University Press.

The statistical analysis was done in part at the MIT Computation Center, Cambridge, Massachusetts.

We wish to make the following acknowledgements for materials adapted for the cases presented in Chapter Nine, Appendices A and B.

Appendix A-3, #9:
Carl F. Hansen, *Miracle of Social Adjustment* (New York: Anti-Defamation League of B'nai B'rith, 1957). Adapted with permission of Anti-Defamation League of B'nai B'rith.

"Race Problems In The Nation's Capital," September 7, 1957. Based on materials from *U.S. News & World Report* published at Washington; copyright 1957, U.S. News & World Report, Inc.
Appendix A-3, #13:
"Still Another Problem For 'Integrated' Schools," February 27, 1959. Based on materials from *U.S. News & World Report* published at Washington; copyright 1957, U.S. News & World Report, Inc.
Appendix B-3, #2:
Theodore Dreiser, *Sister Carrie*. Adapted by permission of The World Publishing Company.
Appendix B-3, #6 and #7:
Foster Rhea Dulles, *Labor in America* (New York: Thomas Y. Crowell Company, 194
pp. 166-184. Adapted with permission of Thomas Y. Crowell Company.
Appendix B-3, #9:
Adapted with permission from Case #HP 487 used in the Harvard Graduate School of Business Administration, Copyright 1957, President and Fellows of Harvard College.

ACKNOWLEDGEMENTS

Appendix B-3, #10:
Adapted with permission from Northwestern University School of Business, Case #MR117 R3 "The Kohler Company of Kohler, Wisconsin," Evanston Illinois: Northwestern University, 1957.

Robert Wallace, "A Long Strike's Human Damage," Life, May 20, 1957, pp. 146-164. Courtesy LIFE Magazine (c) 1957, Time Inc.

ERRATA

There are numerous errors in this manuscript of several types: style, grammar, typing, and so forth. We have attempted to note those corrections which seem necessary for accuracy in content and for smoothness in reading the report. The corrections not noted we hope will not interfere with the reader's understanding of content nor offend too greatly his stylistic and grammatical sensibilities.

Chapter One: page 7, lines 22 and 23 should read: "...banded together and came to the New World. The gradual development..."; page 17, lines 30 and 31 should read: "Many of the most important personal decisions each of us makes, however, are...."

Chapter Two: page 4, line 31 should read: "...yields a ..."; page 9, line 3 should read: "...and weigh such violations against other 'goods'...."

Chapter Three: page 7, lines 13 and 14 should read: "If the process is followed, ..."

Chapter Four: page 19, line 10 should read: "by Reisman, Drucker, Mills, Berle, and others."

Chapter Five: page 15, line 30 should read: "...income taxes weaken the..."; page 22, lines 39 and 40 should read: "...are much more difficult to make than changes in a football rulebook,...."

Chapter Six: page 6, footnote #3 should read: "Gunnar Myrdal, *An American Dilemma* ...."

Chapter Nine: page 10, line 30 should read: "...political or social issue and which will allow...."

Appendix A-3: #18, page 1, line 32 should read: "...both Whites and Negroes have benefitted...."

Appendix B-3: #2, page 2, line 30 should read: "...mistake in setting it in the ..."; #14, page 6, line 11 should read: "...purpose of unions is to get...."; #17 page 3, line 31 should read: "...This eliminates the marginal transient...."

Chapter Ten: page 22, footnote #44 should read: "Benjamin S. Bloom (ed.), ..."; page 23, line 19 should read: "...but Jean misses Bill's meaning. It may be that Jean has the ..."; page 65, footnote #55, line 2 should read: "...ed. by L. Festinger and D. Katz..."; page 67, first column heading should read: "*Valued Acts*" [delete "r"].

Chapter Eleven: page 1, footnote #1, line 7 should read: "...P.L. Dressel and L.D. Mayhew,...."; page 4, footnote #12 should read: "P.L. Dressel and L.D. Mayhew..."; page 9, footnote #25 should read: "J. Miller and G.L. Weston, "Slow Learners Improve in Critical Thinking," *Social Education*, XIII, November, 1949."; page 29, line 42 should read: "...and teaching experience are described in ..."; page 31, line 32 should read: "...in contemporary affairs and educational innovation undoubtedly do."; page 37, lines 20 and 21 should be followed by: "91. No; babies know best when they are hungry and ready to eat.......92. Yes; children must sooner or later learn that they can't always have their own way.......93. Yes; a regular schedule is easier for the parents...."

ERRATA

Chapter Eleven: page 54, lines 11, 12, and 13 should read: "...due to measurement error -- (the value of t is only 1.26). [The rest of the sentence is deleted.]; page 55, title of table should read: "MEANS OF CONCORD STUDENTS ON SIAT No. 2, SUBTEST BASED ON TOPICS STUDIED AND NOT STUDIED IN EXPERIMENTAL CURRICULUM."; page 57, line 42 should read: "...were conditioned by the argumentative tactics made by..."; page 68, lines 19 and 20 should read: "...The largest F ratio occurs...."

Chapter Twelve: page 18, line 27 should read: "...complex societal, mathematical, or ..."; page 33, line 1 [delete footnote #29]; page 49, lines 3 and 4 should read: "...indicated for eight categories when the role expected was socratic teaching, and for four categories when the teachers were playing the ..."; page 55, line 28 should read: "...ability to play two style roles well, ..."; page 60, last line should read: "N=modal group...."

Appendix C: page C-8, [delete convention "t"]; page C-10, [delete convention "m"].

Chapter Thirteen: page 16, line 2 should read: "These five measures had seven response categories; measures 3,4, and 5 were scaled."; page 17, line 19 should read: "1. Whom would you most..."; page 22, line 8 should read: "(N-Achievement, Need-Cognition, Berlak, and HSPQ G)"; page 25, under "Means for SIAT No. 2" Totalsshould read: "43.85, 47.22, 50.64"; page 29, line 12 should read: "...though not so strikingly,...."

A Note on Collaboration

The major responsibility for the writing of this manuscript was assumed by Donald W. Oliver; the major responsibility for data processing and analysis was assumed by James P. Shaver. Harold Berlak did the major work in the review of critical thinking tests for Chapter Ten and the review of research in the beginning of Chapter Twelve. Mr. Shaver did the major work in the review of the literature in the first part of Chapter Eleven. Also, part of the research reported in Chapter Twelve is based on Mr. Shaver's doctoral dissertation. Ernest Van Seasholes accepted major responsibility for organizing and scheduling the work in the implementation stage of the Project. All of the chapters have been reviewed and edited by Mr. Oliver and Mr. Shaver.

PART ONE

THE SOCIAL STUDIES AS GENERAL EDUCATION

CHAPTER ONE

1-1

AN APPROACH TO THE SELECTION OF CONTENT IN THE SOCIAL STUDIES

The problem of selecting appropriate content for a social studies program in the public schools has become increasingly acute for at least two reasons. First, the methodology and accumulated findings of the various social sciences have expanded tremendously since the end of World War II. A relatively new branch of social science, the behavioral sciences, has developed a methodology and approach to human and societal problems that is influencing other disciplines such as political science and economics, which traditionally have been historical or philosophical studies. Second, with increased world-wide ideological competition,[1] the American has become extremely self-conscious about his own values and his own value commitments. As a result, history as well as the newer social sciences tend to be used as vehicles by which the student can learn what is right and wrong about himself, his community and society. And once the social studies curriculum is molded more by the belief that morality should be taught directly through social science or historical content, rather than using such content to clarify moral issues, the door is open to an inevitable expansion of the social studies into the areas of political and ethical theory which should be thought through clearly. As a first attempt to think through this issue, we shall present here a general approach to the selection of content in the social studies. Moreover, in Part Two we shall try to explicate this position by sketching out a conceptual framework which has actually been used as the basis of a social studies curriculum.

Two Preliminary Points

Social Studies as General Education

Before we discuss the specific criteria for the selection of content, however, a distinction should be made between the conception of the social sciences as disciplines and the use of social science content to contribute to the general intellectual competence of all the citizenry. The following illustration should make the distinction clear. Suppose that a university scholar of the Jacksonian period in American history is asked why he wishes to teach students about Jackson. He might reply that it is because it happens to be his field of scholarly competence. From a disciplinary point of view, need he answer more? His rationale for presenting some data to students and for not presenting other data bearing on the Jacksonian period rests only on the premise that a particular selection of "facts" will represent the most accurate interpretation of the period. As a professional historian, the teacher might also include in his justification the hope that a permanent spark of interest about the period would be generated in his students (if it were not already there), and that after studying this content, the student might then pursue the subject of Jackson for the sake of knowing -- for scholarship or personal interest alone. This justification rests on the simple assumption that the methodology and knowledge of a particular social science discipline may be taught as an attempt to perpetuate scholarship and "truth."

---

[1] The ideological conflict referred to here includes more than the present conflict between liberal democracy and state Communism. The success of fascist regimes in Italy, Germany, and Spain as well as the Russian Revolution mark the beginning of a serious new challenge to modern democratic government. As suggested by Friedrich and Brzezinski, because of technological changes in communication and transportation, this challenge is far more radical than that of the older autocratic state. Carl J. Friedrich and Zbigniew K. Brzezinski, Totalitarian Dictatorship and Autocracy (Cambridge, Mass.: Harvard University Press, 1956).

The same reasoning might hold if one wished to justify the teaching of introductory courses in any of the basic disciplines to large numbers of able students. Although only a small percentage of those introduced to a particular content area might actually enter training in a scholarly field, the decision might certainly be defended on the grounds that one is recruiting academic personnel who may make significant contributions to the disciplines and to the culture as a whole.

Justifying specific content for general education in the social studies is a more difficult problem, however. The personal predilections of the teacher have only second priority. The interests of the community and the student who must live within the community become essential factors. Because of this obvious fact, curriculum developers in the social studies usually start with some such statement of objectives as "selecting content to help the student understand his community, his country, and the world." But many educators are now quite frenzied because of their increasing awareness of the scope and complexity of the curriculum required to attain this objective. Trends in the present school curriculum suggest that educators and teachers are seeking to solve the "increasing complexity" or "explosion of knowledge" problem by introducing courses covering a wider and wider range of content. We note, for example, the yearly extension of United States history courses to include contemporary history, the current popularity of "world history" courses which literally cover recorded history from the first caveman to the last atom, and the inclusion of African and Asian area studies in world civilization courses. Although it is certainly possible to extend the scope of existing courses, there is still the problem of selecting particular content to put into an exhaustive chronological or geographical scheme. Perhaps teachers feel that because the chronology is complete, or because geographical areas over the whole globe are taught, the selected content that parallels the totality of time and space is complete. This notion is, of course, absurd.

Two Meanings of Content

The second issue that should be clarified concerns an ambiguity in the term "content." When we speak of content, it is assumed that we are talking about a description of the world, or a description of ways in which data about the world might be interpreted or classified under "topics." In the social studies content generally refers to the data and interpretations of data within such disciplines as history, geography, economics, government, sociology, and psychology. Each of these content areas is, of course, subject to very fine slicing, e.g., ancient Babylonian history, ancient Egyptian history, ancient Greek history, ancient Roman history, etc.

There is, however, a second kind of content requiring analysis and selection: that describing the intellectual process the student is to use in dealing with data and the interpretation of data, e.g., how the student is to ground his beliefs or justify the conclusions he reaches about a particular topic.[2] What, for example, is the student expected to do with the information presented as part of a topic? Bloom's Taxonomy of Educational Objectives[3] is one example of a scheme for classifying teacher expectations about what students are to do with information. It presents a rough breakdown of intellectual operations describing how the student might be expected to treat information. He might simply "know" information; he might "comprehend" or "paraphrase" it; he might "apply" it; he might "analyze" or "synthesize" it; and/or he might "evaluate" it. Obviously, complex intellectual operations such as "evaluating" can be analyzed into many more specific processes, such as testing a set of beliefs for logical consistency or using direct observations to support a more general conclusion. Since Dewey's How We Think,[4] intellectual operations and strategies for dealing with problems have been analyzed with varying degrees of complexity and usefulness. The "proof process" literature includes such noted works as Larrabee's Reliable Knowledge,[5] Cohen and

---

[2] The performance of an explicit intellectual process is commonly referred to as "skills." The dichotomy between skills and knowledge is not particularly logical, although it may be useful in clarifying issues in curriculum development. The so-called skills actually consist of instrumental knowledge, i.e., information about how to obtain, describe, or validate other knowledge. The possession of such instrumental knowledge is evidenced by the student's ability to perform specified intellectual operations (e.g., identify a point on a map using conventional coordinates), just as recall tests measure the retention of "topical" knowledge.

[3] Benjamin S. Bloom (ed.), Taxonomy of Educational Objectives (New York: Longmen's Green & Co., 1956).

[4] John Dewey, How We Think (Boston: D. C. Heath & Co., 1933).

[5] Harold Atkins Larrabee, Reliable Knowledge (Boston: Houghton-Mifflin, 1945).

Nagel's Logic and Scientific Method,[6] and more recently, Hullfish and Smith's Reflective Thinking.[7]

Selecting content, then, is not only a matter of deciding to what data we should expose the student; it is also a matter of deciding what the student will be taught to do with the information, if anything. We must justify not only the selection of informational topics, but also the selection of intellectual operations, which will allow the student to deal with the information in some constructive fashion.

Criteria for the Selection of Social Studies Content

As Beard[8] emphasized some thirty years ago, one cannot discuss the objectives of education without considering the objectives of the society in which the education is to operate. For our purposes we are going to assume that the multiplicity of purposes in American society can be summarized in one very abstract phrase: to promote the dignity and freedom of each individual who lives within the society. We do not intend to justify or rationalize why individual freedom and human dignity should be the objectives of the society. Such a rationalization, we think, inevitably becomes regressive and circular. When one pushes to the heart of human values, he invariably ends up by accepting something on faith. The value of human dignity as a societal goal we frankly accept on faith.[9] We realize that to assert that our society is dedicated to the value of human dignity obviously says very little, because of the vagueness of the key term. Nor do we think it wise to define dignity in very specific terms. (More will be said about this problem in Chapter Two.)

---

[6] Morris R. Cohen and Ernest Nagel, An Introduction to Logic and Scientific Method (New York: Harcourt, Brace & Co., 1934).

[7] H. Gordon Hullfish and Philip G. Smith, Reflective Thinking: The Method of Education (New York: Dodd, Mead & Co., 1961).

[8] Charles A. Beard, The Nature of the Social Sciences (New York: Charles Scribner's Sons, 1934).

[9] A word might be said here about the relationship between the operative values of the society (the commitments on the basis of which people actually behave), the ideals of the society (the values professed by the society), and the personal values of the individual teacher. It is our position that if the teacher is committed only to the operative values and/or is not committed to the ideals of the society, he should not be in the classroom where, presumably, the minds he is attempting to influence will be particularly receptive to his personal values and beliefs. From our point of view, the classroom is an inappropriate place to subvert the ideals of the society, because of the problem it will create for the student who is not in an autonomous position to fight back. (It should be emphasized that we mean subversion of the ideals, not subversion of operative values or practices.) From both a practical and ethical point of view, if the teacher cannot in good faith operate from the ideals of the society in which he lives, he should either leave the society and teach somewhere else, or attempt to influence the adult community to change its value structure. (He might start a political movement, a subversive organization, etc.)

There are undoubtedly a number of ways in which a society might be organized to promote and protect this value. We believe that in whatever way a society might organize itself to achieve this end, it will have one salient characteristic: a number of groups will exist, more or less independent of government control, which have different points of view regarding how basic human problems should be resolved. That is, different approaches will be developed by various groups to meet problems of socialization: for example, aggression control, inhibition and channeling of physical drives, development of aesthetic tastes and creative expression. We assume, moreover, that insofar as there exists real freedom to choose among a variety of ways of life, there must be a multiplicity of groups (or subsocieties) to support solutions to the problems that all men must face in their dealings with the world. Human dignity, and one of its essential defining characteristics, the right to make important choices, are impossible in the totalitarian society where the formal instruments of government, even though they may be supported by the great majority of people, are used to define and enforce a single correct solution to all major decisions involving human conduct. Pluralism, we are assuming, is a necessary ingredient of a free society because it is the only natural mechanism which can ensure some freedom of choice. And this implies not only the existence of different political or partisan groups within society; it implies the existence of various subcultures which to some degree may claim the mutual respect of one another.

Given the existence and assumed desirability of a multiplicity of competing groups which hold a variety of views toward the adjustments man must make with his social and physical environment, two facts must be faced:

(1) Despite a degree of isolation among groups within the society, there are still some problems which must be dealt with by the community as a whole.

(2) The society must to some extent share values and a normative vocabulary to deal with these common problems.

The method by which a government in a free society handles its common problems, moreover, is critical. Because of different standards of "right" or "good," men may not see the general welfare of the community the same. And insofar as the government accepts some responsibility for resolving these problems, even by mediating differences between those who differ, it carries with it the power to tolerate or destroy various groups within the community. The government is thus in a very difficult position: it is obligated to protect the rights of men and groups, even though this fosters social and political conflict. It is obligated to invite rational contention and dispute. But the government is also often the only instrument through which disputes which affect the whole community can be even temporarily resolved. The difficulty of tolerating dispute yet helping to resolve it is a major challenge of the government in a free society. And it presents a special challenge to the *public* school in its governmental function.

There are, of course, a number of possible ways that the government and the schools might approach the general problem of conflict control. One approach is to assume that man is basically tolerant, that even though his own values or interests may be threatened by other individuals and groups, the individual can be trained to understand and "love" those who threaten the values of his particular in-group. This approach requires faith in the ultimate educability of man; faith that the anti-social impulses can be trained out of man, or that he can be reared in such a way that aggression will never develop into a serious problem.[10]

Obviously there are ideologies, including both Christianity and Communism, based on this "ideal" solution which also hold the protection of human dignity as the highest purpose of society. These ideologies assume an attainable truth regarding the definition of the "good man" and a "good society," and further assume that when all men see this truth and act in accordance with it, they will have no need to be aggressive or intolerant. They also assume that conflict is *ultimately* bad. Both Communism and Christianity have prophets who have envisioned a society, or at least a "state of man," in which there is no conflict and no need for coercive institutions to control conflict. Conflict is looked upon as a temporary state of society causing temporary imperfections in man's character. While these ideological viewpoints may serve as long-range evolutionary goals of modern man, we see them as unrealistic in the light of man's own recent history.

It is our own position that for many of the public decisions that a pluralistic society must make, we are simply incapable of defining truth in such unequivocal terms that all men will feel compelled to see it and grasp it in the same way. One of the most important elements of our concept of human dignity -- freedom of choice -- assumes that there is more than one legitimate choice in a given situation even with respect to public decision.

---

[10] Bearing directly on this point is an article by H. D. Schmidt, "Bigotry in Schoolchildren," *Commentary* XXIX (December, 1960), pp. 253-57. After presenting some very persuasive data demonstrating the extent to which social and political attitudes are beyond significant influence by the schools, except in the most superficial way, the author gives a convincing argument supported by experimental evidence that in-group feelings of allegiance are inextricably tied to out-group hostility. Facing this fact realistically, the author concludes:

"The problem of group hatreds is not one of how to loosen the hold of strong in-group feeling -- that is impossible -- but rather how to keep group loyalty and group antagonism within reasonable and safe bounds in a dangerous world. Friction and conflict of interests will always exist between groups as they will always exist between individuals, but they should not be allowed to lead to collective crimes. It is more honest -- and indeed the only possible remedy on an individual level -- to tell a young person that political hatred exists in all of us and is a natural result of our history, but that it is one thing to harbor an intense feeling of hatred and quite another to translate that feeling into anti-social acts." (p. 257)

The implications of this position for civic education are important. First, since there is no revealed truth, the teacher is obliged to tolerate students who hold a variety of ideals, values, or creeds. It also means that although the teacher may find a personal solution to ideological conflict, he must condone the constant battle among ideologies among various groups within society as they are represented in his classroom. The good society is to be construed not as one in which everyone behaves rightly according to some commonly agreed upon substantive definition of right; rather it is one in which individuals and groups in each new generation are allowed wide latitude in developing their own standards and their own tastes -- their own definitions of human dignity. Progress from this viewpoint consists of increasingly long periods of non-violent conflict among groups of free men who have chosen a variety of modes of conduct as exemplifying the "good life."[11]

The Difficulty of the Liberal Position

The liberal conception of the role of government and its responsibility both to protect and resolve conflict has failed, however, to consider the most important pragmatic reason for maintaining the society in the first place; interdependence of men and groups within society as a necessary condition of human fulfillment. Initially, small groups of Europeans, mainly for economic or religious reasons, banded together and came to the New World, the gradual development of these groups into larger colonies and finally the uniting of the colonies into a single nation reflects the increasing development of economic and cultural interdependence which finally created a single society, at least in the political and economic sense, out of a group of separate and distinct smaller societies. The smaller societies are still with us to maintain diversity and freedom within the culture; but so is the larger society. We require a national government which can deal with the problems of the larger society, and yet allow the broadest and deepest conception of personal freedom and human dignity to exist among the smaller groups.[12]

---

[11] The conflict-tension model suggested here is nothing new in American political thought. In 1934 Beard, commenting on the relationship between social science and political ethics, wrote:

"If, however, [empiricism in the social sciences] pushes its inquiry as far as possible toward the periphery of its subject matter, it must then examine and describe as accurately as possible these tensions of change and direction and the ideas of choice offered by human thought.

"And when the social sciences discharge this obligation faithfully, they disclose the fundamental fact that the whole political system through which adjustments are made in the United States is founded upon the conception of a flexible frame of control and reference -- the Constitution of the United States. Born of tension, it assumes the perdurance of tensions and the possibility of adjusting them by inquiry, discussion, proposal, and decision within the borders of law. The values for such adjustments are furnished by the cultural heritage of the nation and the ideas evolving out of and added to that heritage." Beard, The Nature of the Social Sciences, pp. 170-71.

---

[12] A. D. Lindsay presents an interesting and plausible argument regarding the historical development of pluralism and emphasizes the importance of distinctions between the concepts of government, state, and society. The following quote will, perhaps, give a flavor of his thesis.

"With this belief in the importance of voluntary associations goes the acquiescence in diversity of opinions and associations. The Puritan solution of the religious problem was to abandon the attempt to obtain religious uniformity, to give 'liberty of prophesying' to all the various sects and to distinguish the function of those diverse sects from the function of the necessary uniform body -- the state. The diversity of sects and associations of all kinds has been a distinctive feature of English and American society ever since.

"Equally characteristic of American and English democracy is the belief in the secondary and instrumental character of the state. It is assumed that on the whole, society is self-sufficient. Men's natural sociableness would carry them through most difficulties. More can be done by voluntary effort, by trusting to spontaneous initiative and cooperation rather than to the regimented cooperation of the state. The state is needed to help where the voluntary system fails, but it is secondary. Its business is to help, not to order or to make comprehensive plans. That attitude of mind comes from the Puritan conception, set forth perhaps most clearly by Roger Williams, of the state as an instrument serving to give scope and room for what really mattered, the diversity of spiritual life.

"When men start, as, for example, German theory starts, with the state as *the* social organization *par excellence*, the fact that the state uses compulsion and force tends to make them take for granted the use of force in society. It makes a profound difference to the temper of English and American democratic thought that it started with the non-political and voluntary democratic organizations, regarded them as the true type of democracy and the state as only imperfectly imitating them; regarded therefore the state's use of force as its inherent defect and not as its glory. The attitude which abides persistently in English and American democracy is part of its inheritance from the Puritans of the Left." A. D. Lindsay, *The Modern Democratic State* (London: Oxford University Press, 1943), pp. 120-21.

While Lindsay's thesis regarding the origin of the Anglo-American conception of the relationship between the coercive state and the voluntary society is subject to controversy, it is probably safe to assume that the American suspicion of the coercive power of the government (or state) and the high value we place on voluntary action are fundamental aspects of the American mind.

One must also recognize that in many cases the way national problems are resolved may well promote, disrupt, or destroy the values or even the integrity of smaller groups. (For example, the Southern "solution" to racial problems has been rejected by the larger community. How does this affect the concept of human dignity in the Southern white community?)

The commitment of the government, then, to the concept of human dignity has two components: protecting the autonomy of individual subsocieties or groups; and developing a common standard which can be applied to conflicts within the national community. For a national society is possible only if we have some conception of national ethical standards on which antagonists can find common ground to debate their differences. Broad general concepts, such as human dignity and freedom, moreover, are too vague and general to be very useful as normative criteria on which to ground the debate of community problems. The concepts must be translated into ideals with more concrete and specific meaning. These more specific ideals are not difficult to discover. We find them in the political and legal documents which describe the ethical basis of our own society and government.

The Declaration of Independence, for example, states that all men are created equal; that each is entitled to life, liberty and the pursuit of happiness. The keynote of the document is clearly political equality guaranteed by constitutional government. The Preamble of the Constitution enumerates the ideals of justice, domestic tranquility, common defense, general welfare, and the blessings of liberty. Liberty is further defined in the Bill of Rights to include freedom of speech, freedom of religion, freedom of assembly, the right to privacy within one's own home and the right to the protection of personal property. Justice is defined in the Bill of Rights in terms of an explicit system of due process as well as equal protection under the law (in the Fourteenth Amendment).

Myrdal calls these normative concepts of ideals the "American Creed." They provide the national community with standards by which common problems facing the community can be described, debated, and evaluated.

In the light of these considerations about the pluralism and commonality of American society, we suggest two important and legitimate areas of content for general education in the social studies. (1) We should expose the student to public problems within our society -- situations over which the individual as well as various groups are in conflict, and (2) we should teach the student to analyze societal problems within the framework of Western political and social values. Before this content can be taught, however, we believe the teacher must assume that two prerequisites have already been met by the student. First, the student must have some familiarity with his own culture and other cultures that impinge upon it at both a descriptive and conceptual level.[13] Second, the student must be committed to the basic ideals of American society emerging from the democratic traditions of Western civilization. Before proceeding, we shall make some comments about these prerequisites.

A Descriptive Knowledge of American Society: A First Prerequisite

Before undertaking the analysis of public problems in American society, the student needs a realistic descriptive and conceptual knowledge of his own society, and of its relationship to other societies. Although we have made no systematic effort to find out to what extent this is now being done, a quick perusal of elementary social studies texts is not encouraging. Several inadequacies are apparent. First, the texts seem grossly unrealistic, both in substance (errors of fact) and emphasis. Second, there is much material that is irrelevant from the viewpoint of the challenges and questions with which American citizens are presently faced. Third, there appears to be little effort to build a relationship between important historical and social science concepts and the concrete experiences that would make these concepts functional for the student. Concepts such as "mass production," "slum," "automation," 'labor union," "corporation," and "social class," to select but a few, are rarely mentioned, say nothing about being illustrated with a wide range of exemplars required for reasonable understanding.[14] Of the many things that belong in the elementary program, we feel that the teaching of social science concepts necessary to understand contemporary American society /with some degree of sophistication/ should have high priority. Our own curriculum oriented toward the study of public problems which have both an ethical and sociological basis is too complex to allow us to undertake these other jobs simultaneously.

---

[13] We are familiar with at least two general approaches for teaching the child a conceptual view of his own society, and its relationship to other societies. The approach developed by Paul Hanna of Stanford, advocates organizing the curriculum on the basis of valid generalizations about the social world, and sequencing them on the basis of the child's physical or psychological distance from the phenomena under consideration --which he assumes are correlated: school, community, state, nation, etc. Joseph Grannis of Harvard has undertaken a curriculum development program the focus of which is also on the systematic development of social concepts in children. Grannis' program does not, however, assume the physical-psychological correlation which is at the center of Hanna's work. Moreover, there is greater stress placed upon training the child to perform different logical operations by which concepts can be related to one another.

[14] It is instructive to look at topics such as "Cuba" in modern elementary school social studies texts. Pre-Castro Cuba is usually presented as a happy republic which was originally set "free" from Spain by the United States. Reforms guaranteed in the Cuban constitution ("women have the right to vote") are commonly presented as facts rather than legal fictions. Little is said of the poverty among great masses of people. Nothing is said of the ruthless Batista dictatorship.

Commitment to Ideals: A Second Prerequisite

Values or ideals can be taught and understood, we believe, on at least four different levels:

(1) *The specific situational level*. The student can be committed to the fact that certain situations are "good" and other situations are "bad." He believes, for example, that colonial participation in the American Revolution was good, and English participation was bad.

(2) *The value categorization level*. The student can be committed to value concepts which categorize specific situations. He then becomes committed not only to the goodness or badness of specific situations but also to classes of situations, characterized by such labels as equality, liberty, violence, etc. We often state this level of commitment as a "reason" for describing a situation as good or bad. We say the American colonies were justified in fighting the Revolution because they were fighting for "liberty."

(3) *The value conflict level*. The student can be committed not only to general value categories, but also to a dialectical process by which a dissonant situation in which two or more values conflict can be thought through and rationalized. At this point, the student may be forced to weigh one value against another in terms of more fundamental criteria, but he accepts this process of compromise as necessary, if not good. For example, he can be committed to peace and order as well as government by consent, realize that in the American Revolution these values came into conflict, and commit himself to a course of action which compromised established law and order.

(4) *The value questioning level*. The student can treat values as a tentative set of normative generalizations which guide men in their day to day relationships with one another, and allow for their questioning, modification, or rejection if he feels circumstances warrant. For example, the student might see private ownership of capital goods as a reasonable value for a nation in one stage of economic development, but collective ownership of capital goods as reasonable when the size and nature of business enterprises change.

Which Level of Commitment?

We present these levels of commitment simply to orient the reader to our own position regarding the teaching of values as content. We assume that in elementary school the student becomes -- and should become -- committed to the Creed at the situational level by valuing such historical categories as the "Pilgrims," the "American Revolution," the "Founding Fathers," the "Western Frontiersman;" that he is and should be committed to the major value categories of the Creed, and that he can and should relate general values to the historical situations which define his heritage. Our own curriculum focuses upon teaching the third level of commitment. This involves teaching him to use values, not only as categorical ideals, but also as value dimensions which come into conflict with one another and create ethical problems for the citizen. The purpose of this focus is not to undermine the student's faith in the categorical nature of his ideals, but to teach him to use them as parameters by which he can more adequately comprehend, analyze and deal with political and social conflict within a constitutional democracy.

Teaching values at the fourth level is presently beyond the scope of our experimental curriculum. We might say here simply that it is probably irresponsible as well as dangerous for the teacher to prevent the discussion of values from going above the second level, which we think is now generally done, for the student inevitably becomes involved in decision-making situations where values conflict, and he is totally unable to recognize or handle such conflicts with a second level commitment. Depending upon how much faith one has in the efficacy of the Creed, it is probably less dangerous and less irresponsible to refuse consideration of values at level four -- that is, dangerous and irresponsible from the point of view of preserving the ideals of the society as they currently exist. If reasonably mature students seek to pursue a discussion which involves questioning the premises of the basic ideals of democratic constitutionalism, however, it is difficult to see how the teacher can avoid it without risking damage to his own intellectual integrity.

Selection of Specific Problem Areas

Although we have committed ourselves to the teaching of societal conflicts and a framework of intellectual analysis by which they may be comprehended and constructively handled as basic content for general education in the social studies, there is still the problem of determining what specific substantive problems or conflicts should be given priority for teaching. Obviously, within the limits of formal education one cannot teach students about all the problems that plague the political community. But if we cannot teach every conceivable problem that may intrude upon the citizen's responsibilities, rights and freedoms, and about which he must make some personal choice, at least we might consciously select those that seem representative of the larger group of conflicts with which the community must deal. The following questions are suggestive of those one might ask in deciding on the feasibility of cutting the sample of problems to reasonable limits.

1. Can we identify major areas of political controversy which occupy the time of the government, social scientists, journalists, and special interest groups?

2. Can we describe these issues in terms of the ideological dimensions or social values implicit in them?

3. Can we determine whether or not the range and intensity of social values are fairly represented within a particular sample of problems?

4. Can we determine whether or not certain problems show increasing intensity in terms of their disintegrative effect on the national community?

We realize that these questions are, at best, too general and too simple, and that problems of content selection remain even after we have committed ourselves to social conflict as a general selective principle. A more specific and perhaps more useful procedure for problem selection will be described and illustrated in Part Three. We are concerned here only with defending the practicability of "contemporary political controversy" as a selective principle for general education in the social studies.

A Consideration of Some Criticisms of our Position

The basic content of our suggested curriculum would consist of two parts: (1) The concepts, generalizations, and concrete facts necessary to understand the historical background and contemporary status of major political controversies which face our nation; (2) A set of analytic concepts of government, ethics, and social science methodology which would allow the student to deal with political controversy within an explicit conceptual framework. (A selection of such concepts embedded within a general framework will be presented in Part Two.) We have no illusions about the difficulty of teaching this content. It is certainly a more difficult task than teaching the facts, generalizations, and conclusions of narrative history, or of the various social sciences. Our own experience with such a curriculum, which will be described in Part Three, indicates that such an undertaking may take from three to six years simply to bring the student to political literacy. Each major issue or controversy considered will probably have to be dealt with several times, each time in greater depth, each time taking advantage of knowledge already gained. The race problem in America, for example, will have to consider such issues as school segregation, housing, job opportunities, extremist movements, and population shifts. These issues cannot be handled efficiently in a single unit of work; they must be spaced out over several years.

The magnitude of the pedagogical task and the complexity of the problems with which we are dealing make us subject to a number of obvious criticisms. We shall deal with three major criticisms below.

1. What Will Happen to History, Geography, and Government, Presently the Standard Content of the Secondary School Curriculum?

There are a number of answers to the question. First, these subjects as social science disciplines should certainly be studied by students who are capable of dealing with large amounts of data extending over long time spans. However, history taught on a strictly factual chronological basis in a four or five-year curriculum as an initial foundation upon which to build an understanding of contemporary problems is probably an inefficient pedagogical strategy. The forgetting rate is too rapid.

In our own curriculum, historical works, periodicals, reports in the various social sciences, films, television documentaries, and the like are all used as source materials from which to begin the analysis of a problem area. In conventional historical language, priority is given to the topical arrangement of history rather than the chronological arrangement. To understand contemporary controversies in the area of labor relations, for example, we go back at least to the Civil War and trace the growth of the labor movement in this country. A single topic is followed through history. Our major concern is studying the historical development of a problem rather than studying more comprehensive units of history sliced according to the historical organization of content.

Geography is studied as a handmaid to political problems. The ideals and structure of American government, as the reader will see in Part Two, are an integral part of what we have called the content of the intellectual process. The way in which these political ideals operate in this country and the world should emerge as we see how problems have been and are being handled by our government.

A question related to one's disposition of the present social studies curriculum centers on how much informational or disciplined "preparation" or "background" should be given before one is asked to deal with a complex controversial issue. Our own approach to this problem is to assume that there is a reciprocal relationship between the teaching of information and the use of information in the process of intellectual analysis and evaluation. The student is "fed" a little information, which he then uses to "frame" a problem; once the problem is framed, he sees inadequacies and difficulties with his position; he then needs more information; and so the cycle continues. The present social studies curriculum we feel tends to be largely stage one: feeding information.

A criticism related to the question of how much one must "know" before he studies a current controversy centers on our neglect of history as a means of providing a total and comprehensive picture of one's society. We realize that many educators are of the opinion that

> ".... no conscious advance, no worthy reform, can be secured without both a knowledge of the present and an appreciation of how forces have worked in the social and political organization of former times.... -- that historical-mindedness should be in some slight measure bred within /boys and girls/, and that they should be given the habit, or the beginnings of a habit, of considering what has been, when they discuss what is or what should be."[15]

---

[15] Committee of Seven, The Study of History in the Schools: Report to the American Historical Association (New York: The MacMillan Co., 1899), p. 20.

1-

The general thesis is that without the broad view of history to give one some perspective on the present, one may get a very distorted picture of contemporary social reality.

There are at least two points we might make in reply to this criticism. First, there is nothing to prevent us from dealing with specific historical periods in which several problems flow together. In our own experimental curriculum, we deal with the New Deal in this way. The problem of labor relations and job security, the problem of governmental regulation of business, the problems associated with the welfare state: all appear so interrelated that it became useful to deal with a number of problems simultaneously over a short chronological period, rather than to deal with a single problem over a longer time span. We suspect that it may be useful to deal with the historical background of contemporary problems using both the topical approach, and this "historical crisis" approach. There is nothing in our position that excludes any particular organization of historical information. We ask only that the curriculum give the student a clear idea of the relationship between the information and the use to which it will be put in the analysis of contemporary issues.

Our second point is aimed at the one-sidedness of the thesis that history tends to give one a broad, total perspective. History, as well as any of the social science disciplines, can also give one a narrow and biased view of the past and predispose one to view the present in the same biased way. It all depends on who has written the "history," or developed the social science "theory." History is not totality, but rather one person's conception of what a limited selection of past events indicate has happened. And the historian, by generally refusing to rely more on quantitative evidence, is so restricted in the number of events he can represent that it is doubtful whether a valid picture can be painted within these limitations.

Finally, in weighing the pedagogical value of "studying history," we think it is important to define clearly what one means by this phrase. In the curriculum we have proposed, the student would spend a good deal of his time "studying history" but with a specific purpose in mind: analyzing contemporary political issues to arrive at an intelligent policy stand. We feel that the historian's commitment to the pedagogical value of history is based on the fact that he writes it. The process of writing history may have very desirable effects upon the student, for here he must take at least an implicit analytic position in order to organize his facts. However, presently we do not teach students either to use the past to analyze the present explicitly, or to write history. We generally have them memorize historical writings.

2. Students in High School are not Intellectually or Emotionally Ready for the Kind of Program we Suggest

A second major criticism concerns the maturity and consequent ability of students in grades seven through twelve to deal with great national issues. Students of this age are often described as "too young" to deal with complex political problems. They not only have insufficient experience to understand the great problems of the day, they may suffer permanent emotional or psychological damage by being exposed to such problems too early.

In answer to the "deficient experience" criticism, we might say that the most critical "real life" experiences an individual has and ones over which he has some control, probably come at the end of his total formal education. Age alone may be a less important factor than the extent to which various experiences are made available through good teaching materials, such as films, television and vivid case studies. To the criticism that high school students are emotionally immature, we would reply that this is not the case in many other societies which have difficult survival problems, and it could and should probably be changed in our own society, which now faces a problem of survival. Maturity in the understanding and practice of social graces and proper heterosexual behavior has been rapidly pushed back from college age to the junior high school. Why not give intellectual maturity the same push? Moreover, we give adolescents very few rewards when they show responsible concern for national and community issues. Is there any reason why young people cannot be considered intellectual adults at puberty and dealt with accordingly? As it is, we shelter them from the intellectual responsibilities involved in analyzing the difficult problems of our culture until they are 18 or 20, the age at which the critical personal problems of vocation, marriage, and financial independence are crowding in upon them. Why not use the six years of secondary school to instill a more permanent interest in public affairs?

While we find many good reasons why students are not too young in high school to face the problems with which we wish to confront them, we admit that this question deserves a good deal of careful experimentation. It is certainly quite possible that adults are the most "educable" audience for our approach to the social studies.

3. The Program Will Undermine the Student's Faith in his Nation's Government

A third criticism which might be directed at our approach applies to its inherent negativism. There is the danger that too much emphasis is placed upon the disintegrative forces within the society and upon the violation of basic American values. This is a difficult criticism to answer because we are forced to assume that most Americans are genuinely committed to the goal of moral progress, i.e., eliminating major violations of human rights. And most Americans are, of course, in conflict on this point. They want moral progress, but they generally do not want to pay the price in personal reflection and sacrifice of personal privilege. It should be pointed out that the curriculum suggested here does place much greater emphasis upon the positive values of American society and the governmental institutions by which we hope to protect these values than most standard social studies curricula. We do not deny that our approach does explicitly set out to describe in depth the disintegrative forces in the culture and the basic value conflicts within the society which, we feel, can never be resolved. It does this, however, in the hope of controlling such forces and preventing major disruptions to the institutions which protect a heritage of pluralism.

There is, of course, a more fundamental criticism of our approach which strikes at the heart of our assumption that political controversy is the inherent legacy of a free society. Our critic might ask: What right do we have to build an educational program which assumes from the beginning that a culture governed by love for others, self-sacrifice, and universal brotherhood cannot be achieved through the conscious efforts of seers and educators? We can reply only that one cannot teach men love and sacrifice without telling them what to love and for what to sacrifice. And the only universal value upon which we might find universal agreement is human dignity, which means something different to each individual and group we encounter. We cannot deny the possibility that the Christian vision of universal brotherhood -- or the Communist vision for that matter -- may eventually materialize on earth, allowing all men to see truth and goodness in a common universal way (allowing the political institutions of the state to wither away). It then boils down to a question of whether or not the public schools are responsible for teaching such a vision. We think not. We feel rather, that it is the responsibility of general education in the social studies to teach a variety of political and ethical traditions, each of which has made major contributions to the thinking of Western man. We owe part of our tradition to the tough-minded jurists of Rome and England who invented viable institutions to deal with political and ideological controversy. We owe part of our tradition to the Christians who identified a community of man which transcends class, race, and nation. The teaching of any of these ethical positions to the exclusion of others, we feel, is a presumption on the part of the teacher which oversteps his personal authority and his responsibility to the community.

Summary and Conclusion

In summary, our position might be stated as follows. Despite the fact that different economic groups and different ethnic and racial groups have a variety of modes of life, in a society based on a commitment to personal freedom and human dignity, such pluralism is tolerated and encouraged. Many of the most important personal decisions each of us makes, however, is contingent upon the conduct of other groups within society, which may have different interests and different standards of conduct from ours. This is a source of constant conflict and controversy. When these conflicts become salient for large segments of society, they move from the realm of private decision to public decision, because the government is the only agency which has sufficient coercive power to deal with such far-reaching issues. When a decision becomes public, it affects all the citizens directly or indirectly. Each citizen then has a stake in the conflict. To debate these public issues requires common standards, common principles of ethical and political conduct, and a common vocabulary of norms. Western civilization in general, and America in particular, has developed such standards, which can serve as a basic vocabulary for the debate of public issues. These include concepts such as: property rights, free speech, freedom of religion, freedom of personal association and privacy, rejection of violence and faith in reason as a method of dealing with conflict, general welfare of all, equal opportunity, equal protection under the law, rule of law or constitutional limits on government, rule by consent of the governed, due process of law, separation of powers, local control of local problems.

Committing ourselves to public conflict and political controversy as the focus of general education in the social studies is, however, only the first step in selecting content. As indicated above, one must specify what the student is to do with the content once presented. The intellectual process, the acceptable standards of analysis by which the student is to actively relate the content to his own principles of conduct, and the criteria for defining when content is "understood" must be described. An attempt to describe an acceptable framework for analysis, at a very elementary level, will be presented in Part Two.

Before presenting such a framework, however, we should like to clarify an extremely important point: there is, we believe, an intimate connection between the way one conceptualizes the nature and structure of societal values and the process by which one clarifies an ethical position. Conceiving of liberty, equality, and fraternity, for example, as each demanding equal allegiance from the citizen versus thinking of these values as placed in hierarchical order makes a fundamental difference in the way one uses them to justify one's position on a particular controversial issue. We should like, therefore, to describe our conception of social values and how we think they operate in the arena of public controversy.

CHAPTER TWO

SOCIAL VALUES IN THE ANALYSIS OF POLITICAL CONTROVERSY

Perhaps the best introduction to our own conception of social values and the intellectual process by which the nature and function of social values may be understood and clarified is provided in Appendix I of Myrdal's American Dilemma. The essential points of Myrdal's thesis are reproduced below verbatim because of the clarity and strength of the writing. The few points on which we would take issue with Myrdal and an elaboration of the process which he introduces will then follow.

> People have ideas about how reality actually is or was, and they have ideas about how it ought to be, or ought to have been. The former we call "beliefs." The latter we call "valuations." A person's beliefs, that is, his knowledge, can be objectively judged to be true or false and more or less complete. His valuations -- that a social situation or relation is, or was, "just," "right," "desirable," or the opposite, in some degree or intensity or other -- cannot be judged by such objective standards as science provides. In their "opinions" people express both their beliefs and their valuations. Usually people do not distinguish between what they think they know and what they like or dislike.
>
> There is a close psychological interrelation between the two types of ideas. In our civilization people want to be rational and objective in their beliefs. We have faith in science and are, in principle, prepared to change our beliefs according to its results. People also want to have "reasons" for the valuations they hold, and they usually express only those valuations for which they think they have "reasons." To serve as opinions, specific valuations are selected, are formulated in words and are motivated by acceptable "reasons." With the help of certain beliefs about reality, valuations are posited as parts of a general value order from which they are taken to be logical inferences. This value hierarchy has a simple or elaborate architecture, depending mainly upon the cultural level of a person. But independently of this, most persons want to present to their fellows -- and to themselves -- a trimmed and polished sphere of valuations, where honesty, logic, and consistency rule. For reasons which we shall discuss, most people's advertised opinions are, however, actually illogical and contain conflicting valuations bridged by skewed beliefs about social reality. In addition, they indicate very inadequately the behavior which can be expected, and they usually misrepresent its actual motivation.
>
> The basic difficulty in the attempt to present a logical order of valuations is, of course, that those valuations actually are conflicting. When studying the way in which the valuations clash, and the personal and social results brought about by the conflicts, we shall, moreover, have to observe that the valuations simply cannot be treated as if they existed on the same plane. They refer to different levels of moral personality. The moral precepts contained in the respective valuations correspond to different degrees of generality of moral judgment. Some

valuations concern human beings in general; others concern Negroes or women or foreigners; still others concern a particular group of Negroes or an individual Negro. Some valuations have general and eternal validity; others have validity only for certain situations. In the Western culture people assume, as an abstract proposition, that the more general and timeless valuations are morally higher. We can, therefore, see the motivation of valuations, already referred to, generally follows the pattern of trying to present the more specific valuations as inferences from the more general.

In the course of actual day-to-day living a person will be found to focus attention on the valuations of one particular plane of his moral personality and leave in the shadow, for the time being, the other planes with their often contradicting valuations. Most of the time the selection of this focus of evaluation is plainly opportunistic. The expressed valuations and beliefs brought forward as motives for specific action or inaction are selected in relation to the expediences of the occasion. They are the "good" reasons rather than the "true" reasons; in short, they are "rationalizations."

The whole "sphere of valuations" -- by which we mean the entire aggregate of a person's numerous and conflicting valuations, as well as their expressions in thought, speech, and behavior, is thus never present in conscious apperception. Some parts of it may even be constantly suppressed from awareness. But it would be a gross mistake to believe that the valuations temporarily kept in the shadow of subjective inattention -- and the deeper-seated psychic inclinations and loyalties represented by them -- are permanently silenced. Most of them rise to consciousness now and then as the focus of apperception changes in reaction to the flow of experiences and impulses. Even when submerged, they are not without influence on actual behavior. They ordinarily bend behavior somewhat in their direction, the reason for suppressing them from conscious attention is that, if obeyed, they would affect behavior even more. In this treatise, therefore, behavior is conceived of as being typically the outcome of a moral compromise of heterogeneous valuations, operating on various planes of generality and rising in varying degrees and at different occasions to the level of consciousness. To assume the existence of homogeneous "attitudes" behind behavior would violate the facts, as we must well know from everyday introspection and from observation and reflection. It tends to conceal the moral conflicts which are the ultimate object of our study in this book.

The individual or the group whose behavior we are studying, moreover, does not act in moral isolation. He is not left alone to manage his rationalizations as he pleases without interference from outside. His valuations will, instead, be questioned and disputed. Democracy is a "government of discussion," and so, in fact, are other forms of government, though to a lesser degree. Moral discussion goes on in all groups from the intimate family circle to the international conference table. Modern means of intellectual communication have increased the volume and the intensity of such moral interrelations.

When discussion takes the form of moral criticism by one person or group or another, it is not that the one claims to have certain valuations that the other does not have. It is rather an appeal to valuations which the other keeps in the shadow of inattention, but which are assumed, nevertheless, to be actually held in common. This assumption, that those with opposing opinions have valuations in common, is ordinarily correct. As we observed in the Introduction, cultural unity in America consists in the fact that most Americans have most valuations in common, though they are differently arranged and bear different intensity coefficients for different individuals and groups. This makes discussion possible and secures an understanding of and a response to criticism.

In this process of moral criticism which men make upon each other, the valuations on the higher and more general planes -- referring to all human beings and not to specific small groups -- are regularly invoked by one party or the other, simply because they are held in common among all groups in society, and also because of the supreme prestige they are traditionally awarded. By this democratic process of open discussion there is started a tendency which constantly forces a larger and larger part of the valuation sphere into conscious attention. More is made conscious than any single person or group would on his own initiative find it advantageous to bring forward at the particular moment. In passing, we might be allowed to remark that this effect -- and in addition our common trust that the more general valuations actually represent a "higher" morality -- is the principle reason why we, who are convinced democrats, hold that public discussion is purifying and that democracy itself provides a moral education of the people.

When thus even the momentarily inopportune valuations are brought to attention, an element of indecision and complication is inserted. A need will be felt by the person or group, whose inconsistencies in valuations are publicly exposed, to find a means of reconciling the inconsistencies. This can be accomplished by adjusting one of the conflicting pairs of valuations. If the valuation to be modified is on the less general plane, a greater moral harmony in the larger group is brought about. Specific attitudes and forms of behavior are then reconciled to the more general moral principles. If, on the other hand, an attempt is made to change or reinterpret valuations which are more general in scope and most of the time consciously shared with all other groups in society, the deviant group will see its moral conflict with other groups becoming increasingly explicit (that is, if the other groups are not themselves prepared to change their general valuations toward a moral compromise). This process might go on until discussion no longer becomes feasible. In the extreme case such a moral isolation, if the dissenting group is powerful enough, may break the peace and order of society and plunge a nation into civil war.

.... The feeling of need for logical consistency within the hierarchy of moral valuations -- and the embarrassed and sometimes distressed feeling that the moral order is shaky -- is, in its modern intensity, a rather new phenomenon. With less mobility, less intellectual communication, and less public discussion, there was in previous generations less exposure of one another's valuation conflicts. The leeway of false beliefs, which makes rationalizations of valuations more perfect for their purpose, was also greater in an age when science was less developed and education less expensive. These historical differentials can be observed today within our own society among the different social layers with varying degrees of education and communication with the larger society, stretching all the way from the tradition-bound, inarticulate, quasi-folk-societies in isolated backward regions to the intellectuals of the cultural centers. When one moves from the former groups to the latter, the sphere of moral valuations becomes less rigid, more ambiguous and also more translucent. At the same time, the more general valuations increasingly gain power over the ones bound to traditional peculiarities of regions, classes, or other smaller groups. One of the surest generalizations is that society, in its entirety, is rapidly moving in the direction of more general valuations. The speed stands in some relation to, and can be gauged by geographical mobility, the development of intellectual communication, the decrease of illiteracy and the funds spent on education.

During the process of growing intellectualization, people's awareness of inconsistencies in their own spheres of valuations tends to be enhanced. At the same time -- if moral cynicism does not spread, a possibility which we shall consider presently -- they are increasingly reconditioned to demand consistency in their own valuations and, particularly, in those of other people. They learn to recognize and to avoid the use of illogicalities and misconceptions of social reality for overcoming the incongruities in their valuations. The impatient humanitarian might find this process exasperatingly slow, and the results meager. The perspective of decades and generations, however -- providing moral catastrophes do not interrupt the growth process -- yeilds a more optimistic impression.

If this educational effort meets with success, the illogicalities involving valuations become exposed to the people who hold them. They are then pressed to change their valuations to some degree or other. For if popular beliefs depend upon valuations, as we have shown, the valuations also depend upon the beliefs in our civilization bent upon rationalism. When supporting beliefs are drawn away, people will have to readjust their value hierarchies and, eventually, their behavior. As the more general norms in our culture are given supreme moral sanction, this means -- if we assume that this "valuation of the valuations" is upheld, and moral cynicism counteracted -- that the valuations on a more specific level (often called "prejudices") will yield to them. This is the reason, and the only reason, why we generally assume that improved knowledge will make for "better" citizens. Facts by themselves do not improve anything.[1]

---

[1] Gunar Myrdal, An American Dilemma (New York: Harper and Brothers, 1944), pp. 1027-31.

We would summarize as follows those parts of Myrdal's position which have central significance for us, although the whole quote is relevant:

1. It is important to distinguish between factual issues or beliefs which are subject to the methods of objective verification and values or valuations which require a different kind of analysis and "verification."

2. Values operate at different levels of generality -- some apply to specific groups; some apply to all men; some apply to specific situations; some apply to all situations. The more specific values often contradict the general values.

3. We attempt to "rationalize" our values by finding facts or beliefs which are affectively loaded in the same direction as the value. Factual distortion and repression take place when the affective loading of our facts contradict our values.

4. There are two kinds of inconcsistencies with which we have to deal:

    a. Inconsistencies between the loading of a fact and a social value.

    b. Inconsistencies between specific values and general values.

5. General values, those which apply to all men at all times, have a higher and more permanent status, at least as Americans see them.

6. When we stand on the threshold of a value conflict, we tend to deal with it by leaving one value in the shadow of our consciousness, and by making salient the value which supports our immediate behavior. In this way, we try to avoid recognizing and dealing with inconsistency.

7. Open discussion tends to force society to have before it the total range of beliefs and values, even those which conflict with one another.

8. Most Americans share the basic values of the culture. There is cultural unity at the general value level, but different individuals and groups share these general values with different degrees of intensity as they apply to different issues.

9. Since most Americans share the same general values, when public discussion lays bare our inconsistencies, we feel compelled to deal with them.

10. As the public becomes increasingly sensitive to the fact that many of the specific beliefs which support its values are erroneous, it will be forced to alter the values. And as the public becomes aware of the inconsistency between the specific values and the more permanent and general values (liberty, equality, and Christian brotherhood),

the specific values will gradually become modified and finally effect a change in behavior.

As an analysis of the way values and facts modify one another, and of the way specific values interact with general values, we are in general agreement with Myrdal. However, we do have some disagreement with his final point. Myrdal apparently assumes that values at the general moral level will be consistent with one another. It is only the values of the narrow unenlightened bigot which will contradict the more general values. From our point of view, it is possible for the most fundamental and enduring values of the Creed to conflict with one another when applied to practical political situations. So while we agree that the initial step in the analysis of political controversy involves testing the factual assumptions behind accusations that certain general values are being violated, and exposing inconsistencies between the narrow values of interest groups within society and the more general values of the society, what Myrdal fails to note is that the narrow values of these groups are in themselves supported by one of our most basic values -- personal freedom and cultural autonomy. It is undoubtedly Myrdal's preoccupation with brotherhood and equality, the values so salient in the Negro issue, that makes him take this position. Even so, it is quite possible even for these two values to come into conflict with one another: Christian brotherhood can be interpreted to mean discriminating in favor of a particular group within society -- the weak and the humble.

So while Myrdal assumes that the general values of the society which constitute the Creed are consistent with some more general notion of just relations among men, from our own point of view, this is true only when one sees the general values as abstract ideals. When one attempts to justify practical judgments about specific situations on the basis of the general values alone, we are still caught up with the problems of inconsistency. Our own solution as indicated in the previous section, is to consider what Myrdal calls "general valuations" as existing on two moral planes. The highest plane is denoted by a single "ultimate" value -- human dignity. The second level consists of the values identified in Myrdal's American Creed. In this way, we feel it is possible to sidestep the difficulties Myrdal encounters when he considers the general values of the Creed as final. If these values are final, permanent, and universal, what do we do when one of these values contradicts another? If both are final, both must be right. Our own solution is to raise our thinking to a higher moral plane and posit the more general "ultimate" human dignity and consider the values of the Creed as both defining characteristics of and instrumental to the final value. Thus values such as consent or representation, due process, freedom of speech and conscience, and equal protection under the law each can be conceived as containing some essential facet of man's idea of human dignity. In the sense that each contains some defining characteristic of dignity, these values do not contradict one another -- they are all criteria of a single concept, and collectively describe how men should behave toward one another in an ideal society.

Because the person committed to democratic ideology believes that all of these social values are elements of the more fundamental value -- human dignity, he construes political controversy in terms of these values, often without reference to the former. Many of these values or rights are guaranteed under law, because it is assumed that at least by supporting these more concrete aspects of dignity, the less tangible and more general value will be promoted. Constitutional restraint, for example, can be conceived as a defining attribute of human dignity -- the coercive power of government should be delegated to it by the men who are governed. Constitutional restraint also has instrumental value. It can be built into the concrete legal institutions of the society through which we hope to promote decent relationships among men.

The social and political values, then, can be thought of as both the general values which help define an ultimate ideal concerning how men should treat each other, and also as instrumental values rationalizing practical public institutions which may enhance or promote the ultimate ideal of human dignity. As operative political or legal values, however, they take on concrete meaning, and as such, are often inconsistent: e.g., personal freedom does conflict with equal opportunity, protection of individual rights does conflict with the general welfare of the majority, etc. Whatever shortcomings Myrdal's analysis may have, however, we are in agreement that it is these general American values which provide the normative tools by which controversial public policies can most appropriately be analyzed and judged.

Two further points of clarification must be added before we can proceed to a fuller description of the intellectual process of our proposed curriculum.

First, although he is not explicit on the point, it is clear that Myrdal is dealing with values as psychological facts -- as "valuations." Yet when he talks about society moving in the direction of more general values, he apparently considers this a good thing -- at least for the humanitarian. If values are no more than psychological facts, why then are general values to be weighted more heavily than specific ones in making a practical judgment? No appeal is made to metaphysical motives such as Kant's rational faculty which makes certain truths logically "self-evident." Rather Myrdal simply treats the higher status of general values as an interesting ethical phenomenon characteristic of the American (and Western) mind.

Unlike Myrdal we choose to make our commitment to certain general values an explicit metaphysical assumption. For us, the most basic values of the Creed are treated as more than psychological facts. They describe certain potentially universal characteristics of man which make him "human," such characteristics as a quest for self-respect, a sense of sympathy and love, a concern for fairness and justice in his dealings with others. It is characteristics such as these conceived as generalized goods which we are calling "values." We realize that some groups and societies do not share our conception of what are the essential qualities of the "good" man. From our point of view, one must deal with this fact either by searching more deeply into one's own conscience, by re-examining one's own values, and finally accepting a broader conception of the universal image of man, or by rejecting certain group values as the results of man living under "abnormal" conditions.[2]

Ultimate scientific truth is never available, but we do not hesitate to test our beliefs against reality, to live by those beliefs which stand the test. Nor do we discontinue our search for a deeper and more penetrating interpretation of the natural world. An ultimate definition of "man" and the conditions of community necessary to man's fulfillment is no more available than scientific truth. But this should not prevent us from making judgments about the priority of lesser and greater goods, and from living by tentative conclusions about what the ultimate meaning is. Nor should we discontinue our search for deeper moral truth because we presently are committed to certain operative values.

Our second point of clarification concerns two ways of using or thinking about social values. One may think of them either as "ethical ideals" (equality, freedom) or as dimensional constructs (equal -- unequal, free -- coercive). If we consider social values as ethical ideals, we judge behavior on an all or nothing basis: this behavior is either fair or unfair, lawful or unlawful. When we consider social values on a dimensional basis, our ethical problem is to determine at what point on the value dimension an action can be categorized as intolerable or bad or at what point it should be given priority over another competing value.

Both conceptions of value have particular strengths. Considering a value as an ethical ideal or ethical absolute tends to focus our attention on the essential defining characteristics of the value, and prevents us from pretending that compromises with the value really don't matter. Considering the value as a dimensional construct, on the other hand, allows us to apply the value more flexibly in a much broader range of situations and to deal more realistically with problems of value conflict.[3] Rather than simply saying that a value is or is not violated in a particular situation, we can describe degrees of violation and weigh such violations against other "good" protected in the same situation. For example, separate-but-equal schools for Negroes is clearly not as extreme a violation of the equality concept as is separate-and-inferior schools. To treat both situations simply as examples of inequality tends to force us into a rigid moral position ~~which~~ cripples our ability to compromise one value to protect or preserve another.[4]

---

[2] Groups of men who are forced to live under severe stress, e.g., under constant threat of starvation, disease, or extermination, as in Nazi concentration camps, may very well develop standards of conduct which other people at other times would consider "wrong." From our point of view, such standards may be necessary for animal survival, which may be the only kind of survival possible. While this may lead us to say that different standards may be appropriate to meet the exigencies of various kinds of stress situations, it is still possible to maintain that within the limits of a politically stable and intellectually enlightened community of reasonable economic means certain values should hold.

Because of the present legal status of separate-but-equal, perhaps freedom of speech is a better example with which to work. The absolute value, freedom of speech, is violated both by law and custom in this country. We cannot libel or slander and plead free speech for a defense (although Justice Black once suggested that this be changed). In times of national emergency, many of us are restricted by legal censorship. One cannot speak so as to knowingly violate the peace and safety of large numbers of people in the community, i.e., incite to riot. All of these restrictions violate the unqualified concept of "free speech." Considered as an ethical absolute, we can rationalize these restrictions only by saying that what is restricted is really not an expression of free speech, but an "excess," which is not, in fact, "speech" at all. From our point of view this is a semantic dodge. Considered as a dimensional construct, we can say that the absolute value of free speech must be compromised to some extent to protect other values.

---

[3] The question of whether to consider values as ideals or absolutes or whether to consider them as dimensional constructs -- matters of degree -- has recently been the focus of much debate in the Supreme Court, especially between Justices Frankfurter and Black. A book and two articles are most informative on this issue: Wallace Mendelson, Justices Black and Frankfurter: Conflict in the Court (Chicago: University of Chicago Press, 1961); Charles I. Black, "Mr. Justice Black, The Supreme Court, and the Bill of Rights," Harpers, CCXXII (February, 1961), pp. 63-8; C. Peter Magrath, "Nine Deliberative Bodies," Commentary, XXXII (November, 1961), pp. 399-407.

In the Charles Black article, Justice Black is quoted as follows: "It is my belief that there are 'absolutes' in our Bill of Rights, and that they were put there on purpose by men who knew what the words meant, and meant their prohibitions to be 'absolute.'" The alternative position, supported by Justice Frankfurter, is termed the "balancing" point of view. The rights of some are balanced against the rights of others or the interests of the community. The author argues that although there are no absolutes in any real sense, considering basic rights as absolutes (even though they must be weighed against other considerations) does make a difference in how one acts ethically. Our own distinction between ideals and dimensional values, we feel to some extent, clarifies this issue.

[4] Myron Lieberman, in "Equality of Educational Opportunity," Language and Concepts in Education, ed. by B. O. Smith and Robert Ennis (Chicago: Rand McNally, 1961), has a very useful discussion of the impossibility of attaining the ideal of equality in education, and a description of the thought process used by the courts to determine at what point equality should be given priority over competing values.

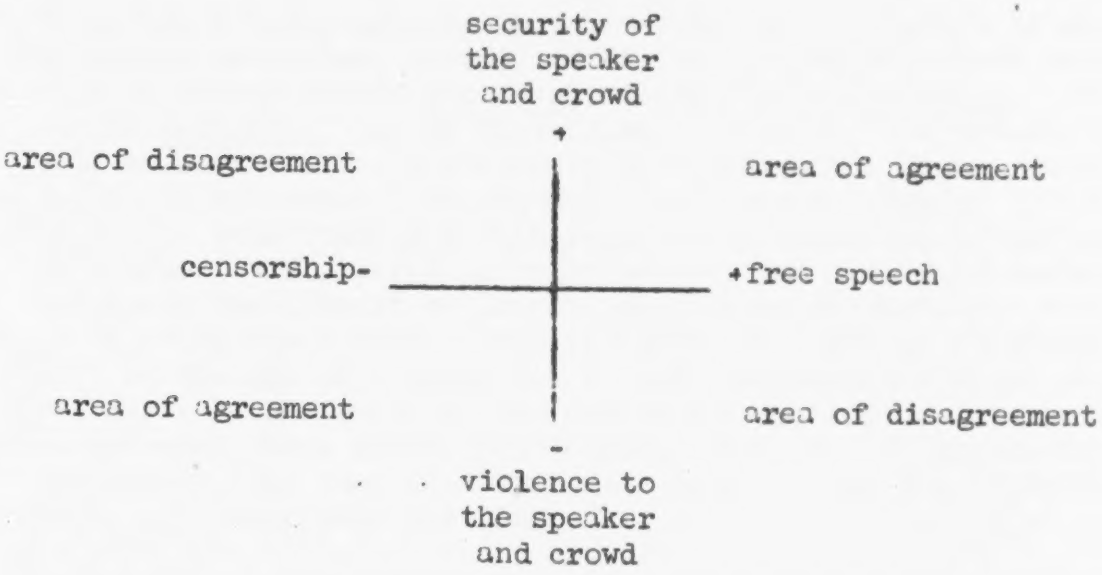
Ethical conduct in a particular conflict situation consists of the "right" compromise among the values by which we conceptualize or construe the situation. Extreme violations of the values can only be considered ethically justifiable under extreme conditions, e.g., restrictions on civil rights during war time. Otherwise, we attempt to protect each value from all but minimal violation. "Minimal violation," however, has meaning only if we maintain a clear image of and commitment to the value as an ethical ideal, as an ethical absolute. Our existing dimensional conception of the value must clearly include the two extremes, with a recognition of the value of decisions optimizing the positive end of the continuum. Otherwise, time and conditions may obscure this standard until finally an extreme violation may be condoned, not because the value is no longer held essential to human dignity, but because our conception of the value has itself become altered. Freedom of speech, for example, may gradually give way to censorship because each new generation allows a little erosion to take place. Perhaps the only antidote to such erosion is to maintain a powerful image of the positive end of the value continuum as an ideal value, recognizing that such an ideal must only be compromised in the interest of other competing values which also make demands upon the conscience of the individual and the society. Utopia then, is not a place in which each value finds maximum expression. It is a society in which each value makes the proper claim upon the actions of the individual so that human dignity finds maximum expression.

The problem of maintaining a clear conception of social values is further complicated when we recognize the implications of considering our final value, human dignity, as a composite of the values in the Creed. In a single situation, we may condone an action which can be justified as supporting one aspect of human dignity, but condemn the same action because it violates another dimension of dignity. For example, we may have a speechmaker on a street corner instigating a noisy crowd which then threatens the safety of the speaker, innocent bystanders, and the crowd itself. At this point should a policeman who happens on the scene forcibly stop the speaker because the crowd is too large to be dispersed, or call for reinforcements who may arrive too late to protect the speaker, the crowd, and the innocent bystanders?

Let us suppose the policeman forces the speaker to stop. In the same act he is abridging free speech and protecting the safety of both the speaker and the people on the sidewalk. For purposes of clarification, we might imagine that such a value dilemma can be described as two value constructs or dimensions abstracted from a single situation. These constructs can be considered diagrammatically as a coordinate system,[5] lacking, of course, the preciseness of unitization implied by the mathematical terminology:

---

[5] For simplicity of illustration, our example is presented on two dimensions. A particular decision may necessitate a multi-dimensional analysis. For example, equality of treatment may also be relevant in our free speech example.



The "perfect" society is one in which our only choices would involve rejecting actions which would quite obviously[6] fall in the lower left hand quadrant -- where an action is bad on either dimension, or accepting actions which would obviously fall in the upper right hand quadrant.[7] The most difficult decisions are usually posed when men are forced to choose between courses of action which fall in either the lower right hand or the upper left hand quadrants. Of necessity, the support of one value is to the detriment of another. In real life, these are the situations which are likely to cause particular ethical confusion and inner conflict, because as Myrdal points out, we have internalized the whole Creed, not simply the parts with positive connotations in each particular situation.

Our ethical position, which is the basis of our framework for the analysis of public controversy, is now in the open. But why so much concern over ethical clarity? Beard answered this question with great force some thirty years ago:

---

[6] We use the words "quite obviously" because the axes are no more than a schematic representation of value continua. Axis midpoints are practically impossible to define, so there must be an area of ambiguity around the points of origin of the two axes.

[7] The only choices posing no dilemma are those falling at the "points of agreement," defined by ordinates originating at either the most positive or the most negative extremes of the two axes. Other decisions in the two quadrants may involve some difficulty because even though one can only do right, assuming for example, that peaceful relations among men and freedom of speech are both societal goals, the choice between competing goods or competing evils is not always easy.

> Every human being brought up in society inevitably has in mind a frame of social knowledge, ideas, and ideals -- a more or less definite pattern of things deemed necessary, things deemed possible, and things deemed desirable; and to this frame or pattern, his thought and action will be more or less consciously referred. This frame may be large or small; it may embrace an immense store of knowledge or little knowledge it may be well organized with respect to categories of social thought or confused and blurred in organization; and the ideal element in it may represent the highest or lowest aspirations of mankind. But frame there is in every human mind. This is known, if anything is known. If the fact be denied, if a large, clarified, and informed frame of purposes is rejected, is deliberately and ostentatiously put out at the front door of the mind, then small, provincial, local, class, group, or personal prejudices will come in at the rear door, occupy the background of the mind, and constitute the frame.[8]

In line with this thinking we would argue that social studies educators and teachers do tend to deal with ethical and political conflict in a consistent way both in and out of the classroom (if it be only to ignore such controversy as too upsetting or as irrelevant to the more "pressing" tasks of the social studies teacher). Because of the number and variety of these positions which are either the implicit operative base of social studies teachers or the explicit dogma of curriculum planners, we will deal with a number of them very briefly. It should be clear that we do not make the pretense of presenting here a comprehensive or systematic view of various schools of ethical thought. We are more concerned with touching upon those specific points of view which might either challenge or clarify our own.

Alternative Ethical Positions by Which to Deal with Value Conflict in a Democratic Society

The Subjective Relativist

Probably the simplest approach to political controversy is subjective relativism. The relativist assumes that there is no right or wrong for the community or society. Each person is simply a product of his own cultural conditioning, and one culture, one set of personal values, is as good as another. The position is subjective because the final criterion of conduct is the individual's own personal preferences without reference to whether or not these preferences are good or bad for others. The position is relativistic because the goodness or badness of an act is always relative to one's purposes, which, as we have said, gain their worth from one's subjective judgment. The ends of the community are simply the collective purposes of individuals within the community. The ethical worth of the means for achieving these ends are judged subjectively by each individual within the community.

---

[8] Charles A. Beard, The Nature of the Social Studies (New York: Charles Scribners' Sons, 1934), p. 181.

A major practical difficulty of this position is that it does not deal with the very real fact that there are operative social values within the society. We are committed to certain ethical principles as a national community. We have not always lived up to these principles, but, as Myrdal points out, most of us believe in them.

More important than this is the relativist's inability to debate issues of political controversy when they rest on social value premises. There is no debate because there are no "oughts" for the whole community. Few serious advocates of any rational approach to political controversy have ever taken this position. It is, however, a common trap into which iconoclastic teachers tend to fall. The teacher is sometimes encouraged in this behavior by educational committees and commissions which say we should not teach controversial issues, we should only teach "about" controversial issues. How can the teacher do this effectively in a society which does not have operative ideals and moral commitments? On this specific question the relativist offers little guidance. The teacher is thus torn between mouthing empty moralisms (how shameful it is to treat the Negro this way), and fear of being so dynamic that he may involve his students and the community in real controversy.

Whatever framework is applied to the analysis of controversy, it must deal with the conflict of values within each citizen and among citizens, or it ignores the dynamic basis of the conflict itself. Relativism is inadequate because it fails to do just this. It ignores the fundamental ethical basis of the controversy: the desire of one individual or group to persuade the community that one decision is more consistent with the general values of the group than is another. To ignore or refuse to deal with the problem of justifying the general values simply avoids the issue; it doesn't resolve it.

The Pragmatic Position

A second position, commonly attributed to Dewey, states that all value conflicts can be settled by evaluating the consequences of suggested policies scientifically. Ethical problems can be reduced to empirical problems. Some variations of this position even assume that disagreements over values are fundamentally no different from disagreements over factual claims. Hullfish and Smith state this position as follows:

> It turns out, then, that believing, judging, and knowing with respect to value involve no elements which are basically different from those involved in situations in which values are not at issue. Statements concerning the extrinsic value of objects or events are grounded in the same way other synthetic statements are grounded. Knowledge of extrinsic value, being concerned with space time, factual affairs, is never absolute or final. Knowledge of intrinsic value, being concerned with the mediating structures in experience, could enjoy the formal certainty found within other conceptual systems. The "value" of such a

> system, however, like the "truth" of any system for structuring experience, is a matter of the long-range, objective (impersonal) usefulness in the conduct of human affairs.
>
> Competing political-social systems may be thought of, for example, as alternate formal conceptual schemes for structuring experience. There is a sense in which the American Revolution and the Copernican Revolution may be compared. How shall the solar system be conceived? How shall a political-social system be conceived? In either case it is a question of the long-range usefulness of the competing conceptions.[9]

Hullfish and Smith suggest that we test the validity of a framework of values by looking at their long-range "usefulness" or social consequences. This conception of the problem assumes that one can observe "social usefulness" and "good consequences" in the same sense that one observes "trouble free automobiles." Such is the case, however, only when men can agree on the values implicit in the judgment of the consequences, just as men may agree on the value of a trouble free automobile.

A more fundamental difficulty, however, is the pragmatist's inability to deal with extreme violations of important social values, which may be justified "rationally." Suppose, for example, that after due deliberation, we find it socially useful to sterilize or deport all citizens of subnormal intelligence. The long range social consequences, it is argued, will be to strengthen the intellectual quality of the community, and lead to more responsible social living. All our evidence indicates that crime, delinquency, illegitimacy, unexcused absenteeism from work, and other kinds of irresponsibility can be markedly decreased. Would we then proceed with the action? One might very well argue that Soviet treatment of the Kulaks was "rationally" conceived, and led to very many "beneficial" consequences. Is it appropriate, for example, to debate the reasons for and against Hitler's extermination of the Jew in central Europe in terms of possible consequences? While there may be justifiable homocide, is there ever justifiable genocide?

Pragmatism, we feel, is only a fragment of an ethical theory. It attempts to clarify the use of values as instrumental concepts and the experimental process by which these concepts can then be tested empirically. Its naturalistic metaphysical basis, implied by such words as "growth" and "development," is obvious but usually not made explicit.

A more adequate pragmatic approach than simply "testing consequences" is presented by Raup, Axtelle, Benne and Smith[10] and Hunt and Metcalf.[11] These authors suggest that conflict between two values may be resolved by referring to a more basic third value upon which there is agreement. For example, one man suggests that railroads should be taken over by the government because the people might then have some effective control over a basic utility. A second man suggests that this would be an invasion of the free enterprise system. We then have a value conflict of democratic control versus personal property rights. Both positions might then be evaluated in terms of a third value -- namely, economic efficienty. We can now translate economic efficiency into commonly agreed upon "good" and "bad" consequences and settle this issue by transforming the third more basic value into an empirical issue: Under which system are we likely to get the most frequent and the cheapest rail service?

---

[9] H. Gordon Hullfish and Philip G. Smith, Reflective Thinking: The Method of Education (New York: Dodd, Mead Company, 1961), pp. 98-99.

[10] R. Bruce Raup et al., The Improvement of Practical Intelligence (New York: Harper and Brothers, 1943).

[11] M. P. Hunt and L. E. Metcalf, Teaching High School Social Studies (New York: Harper and Brothers, 1955).

This approach, while certainly more adequate than simply suggesting that we resolve political or ethical conflicts by testing consequences, also has difficulties, because it deals with only one kind of political controversy, one in which there is a third value which clearly takes precedence and has a testable referent. As Hunt and Metcalf point out, in most cases the only third value we can use as a criterion must be stated in the vague terms of the Creed, e.g., justice, freedom, equality. The situation is then thrust into the kind of definitional-value controversy we have already discussed. In the desegregation issue, for example, we might obtain agreement from both integrationists and segregationists that Negroes should get equal protection under the law. But the conflict persists because the Southern white defines equality in terms of "separate-but-equal" and the Northern liberal defines "equality" in terms of racially mixed schools. The question now arises: Is "separate-but-equal" equal enough to be considered equal protection? Or does race have to be eliminated altogether as a criterion of pupil assignment before we have "equality?"

To carry the example further, let us assume that by all objective standards of educational quality, including the developing self-image of the student, segregated schools were demonstrably equal to integrated schools. Would all protests against racial segregation end? We suspect not. For at a certain point the literal meaning of equality in "separate-but-equal" loses its importance, and whether or not all children get equal educational opportunity is no longer the issue. Segregation becomes an essential defining characteristic in inequality and the liberal would cling to his moral indignation in the face of substantial evidence of educational equality. Resolving value conflicts by referring them to the more basic third value has the difficulty of requiring us to assume that the values involved can somehow be placed in a logical hierarchy. As we shall point out at several points, the saliency and importance of a value as a construct for dealing with a particular problem depend to a large degree on the specific situation to which we apply it. There is, therefore, apparently no permanent or fixed hierarchy of values in the Creed. While this leads one to the uncomfortable conclusion that value conflicts can never really be resolved, but are always suspended in a kind of permanent tension, it is probably useful to face up to this way of viewing the world as a fundamental condition of living within a pluralistic democratic society. In the following section we shall try to point out the difficulties in a number of theories which attempt to do precisely what we maintain cannot be done: set up a value hierarchy, or at least identify a root value, to which others can be referred for meaning.

The Radical Priority Approach

A third way of dealing with political controversy is to demonstrate or assume that one of the values in the Creed is more basic or more radical than the others, and that the others are implied by or can be derived from the first. We then evaluate a situation by determining to what extent it violates or supports the more basic value. While this position is in some ways similar to our own, we feel that the level of specificity of the root value which one places on the highest moral plane is critical. "Human dignity" was selected as our own root value partly because of its vagueness and its rich connotative meaning, rather than because of its specific meaning.[12] Our own position comes to rest on the assumption that within certain controversial limits there is a common sense of human dignity which most men share, and which is often best expressed by a balance of values rather than by asserting that one or more of these values is preeminent. When we remove ourselves from this general moral plane and deal specifically with the values of the Creed, placing one above the others, we run into difficulties. On the following pages we shall consider a number of such theories which place one of the values of the Creed above the others, and point out what we feel are some of their shortcomings.

Democratic procedure as the central principle of political conduct. In recent educational literature, democratic process and more specifically group process has become the central ethical principle behind the resolution of conflict. This position treads the narrow line between the individual and society by talking both about the reconstruction of the society and the reconstruction of individuals through the use of intelligence in group discussion. Procedural values, i.e., consent procedures and due process, become final values.

The theory has the doubtful virtue of avoiding the problem of defining the ends of society, at least of the good society, except in procedural terms. It does however, have something to say about the "democratic person." He is the person who rejects force as an instrument of politics, and is one who is willing to work toward consensus in a group situation through the use of intelligent persuasion. It is an ethic where the means of decision becomes the social end. The process by which one arrives at decisions rather than the decision itself is what makes the decision "good" or "right." The position is rationalized on both humanistic and utilitarian grounds. It is assumed that dignified human beings should participate in decisions which affect them. It is also assumed, moreover, that, when all who are affected by a decision participate in it, either directly or indirectly, the decision tends to be better, fairer, or wiser.

---

[12] For a general discussion of the problem of defining root values in terms of highly specific behaviors see Donald W. Oliver, "Educating Citizens for Responsible Individualism, 1960-1980," Citizenship and a Free Society: Education for the Future, 30th Yearbook of the National Council for the Social Studies, ed. by Franklin Patterson (Washington: National Council for the Social Studies, 1960).

Because the theory does not define ends, it does not have the problem of distinguishing higher ends and lower ends. Because "rights" are defined concretely by democratic process, it has little trouble with the distinction between general moral goods and individual goods. Right does not emanate from a higher rational faculty which can discern universal consequences, but from the concrete use of rationality in a group of people facing a group problem.

A modern vigorous defense of this position has been made by Thomas Thorson in The Logic of Democracy. Thorson concludes after a long and tortuous discussion of various alternative approaches to the justification of democracy with the following recommendation:

> Out of the context of man's inability to prove the ultimate validity of political proposals springs the general recommendation that serves as the foundation of political philosophy. Language creaks and strains at the prospect of formulating this recommendation. The problem is to translate the categorical "Be rational" into language appropriate to the context of making political decisions. One hesitates to suggest a phrase, for fear that the inadequacies of the power of expression will cause it to be misinterpreted. For want of better words, I propose these: "Do not block the possibility of change with respect to social goals."
>
> This, however, inadequately expressed, is the ultimate "must" of politics. Like Pierce's "Do not block the road to inquiry" it cannot be proved; but it is absolutely justified unless someone can prove that a certain state of affairs is absolutely "right" and therefore that one is justified in blocking any change.[13]

Thorson claims that "the majority principle is the only decision-making procedure which comports with the previous dictates of our recommendation." Moreover, he maintains that the "majority principle" includes a cluster of democratic principles: popular sovereignty, political equality, individual political rights, and majority rule.

Although Thorson's arguments are persuasive, they provide no ethical justification telling us why one man should treat another man with some minimal degree of decency and respect, nor does the government apparently have to concern itself with this problem. Perhaps political democracy would, in fact, protect each man's claim to dignity and respect in a simple open community. But it is precisely the complexity brought about by modern technology that has changed so radically our conception of such rights as "free speech" or "free association." It is our contention that for a complex industrial society to operate within the framework of a pluralistic tradition, each citizen must not only tolerate the political rights of his fellow citizens; he must respect others as human beings who have to some degree the same claim on the "pursuit of happiness" as does he. Lippman eloquently discusses this position in an article entitled "Bryan and the Dogma of Majority Rule" which deals with Bryan's position in the Dayton Trial in Tennessee in 1925. Lippman states:

---

[13] Thomas Thorson, The Logic of Democracy (New York: Holt, Reinhart, and Winston, Inc., 1962), p. 139.

> In exploring this dogma it will be best to begin at the very beginning with the primitive intuition from which the whole democratic view of life is derived. It is a feeling of ultimate equality and fellowship with all other creatures.
>
> There is no worldly sense in this feeling, for it is reasoned from the heart: "there you are, sir, and there is your neighbor. You are better born than he, you are richer, you are stronger, you are handsomer, nay you are better, wiser, kinder, more likeable; you have given more to your fellow men and taken less than he. By any and every test of intelligence, of virtue, of usefulness, you are demonstrably a better man than he, and yet absurd as it sounds -- these differences do not matter, for the last part of him is untouchable and incomparable and unique and universal." Either you feel this or you do not; when you do not feel it, the superiorities that the world acknowledges seem like mountainous waves at sea; when you do feel it they are slight and impermanent ripples upon a vast ocean. Men were possessed by this feeling long before they had imagined the possibility of democratic government. They spoke of it in many ways, but the essential quality of feeling is the same from Buddha to St. Francis to Whitman.
>
> There is no way of proving the doctrine that all souls are precious in the eyes of God, or, as Dean Inge recently put it, that "the personality of every man and woman is sacred and inviolable." The doctrine proceeds from a mystical intuition. There is felt to be a spiritual reality behind and independent of the visible character and behavior of a man. We have no scientific evidence that this reality exists, and in the nature of things we can have none. But we know, each of us, in a way too certain for doubting, that after all the weighing and comparing and judging of us is done, there is something left over which is the heart of the matter. Hence our conviction when we ourselves are judged that mercy is more just than justice. When we know the facts as we can know only the facts about ourselves, there is something too coarse in all the concepts of the intelligence and something too rough in all the standards of morality. The judgments of men fall upon behavior. They may be necessary judgments, but we do not believe they are final. There is something else which is inadmissible, perhaps, as evidence in this world, which would weigh mightily before divine justice....
>
> It is not possible for most of us, however, to consider anything very clearly or steadily in the light of eternity. The doctrine of ultimate human equality cannot be tested in human experience; it rests on a faith which transcends experience. That is why those who understood the doctrine have always been ascetic; they ignored or renounced worldly goods and worldly standards. These things belonged to Caesar.

The mystical democrat did not say that they should not belong to Caesar; he said that they would be of no use to Caesar ultimately, and that, therefore, they were not to be taken seriously now.

But in the reception of this subtle argument the essential reservation was soon obscured. The mystics were preaching equality only to those men who had renounced their carnal appetites; they were welcomed as preachers of equality in this world. Thus the doctrine that I am as good as you in eternity, because all the standards of goodness are finite and temporary, was converted into the doctrine that I am as good as you are in this world by this world's standards. The mystics had attained a sense of equality by transcending and renouncing all the standards with which we measure inequality. The populace retained its appetites and its standards and then sought to deny the inequalities which they produced and revealed.

The mystical democrat had said, "gold and precious stones are of no account;" the literal democrat understood him to say that everybody ought to have gold and precious stones. The mystical democrat had said, "beauty is only skin deep," and the literal democrat preened himself and said, "I always suspected I was as handsome as you." Reason, intelligence, learning, wisdom, dealt for the mystic only with passing events in a temporal world and could help men little to fathom the ultimate meaning of creation; to the literal democrat this incapacity of reason was evidence that one man's notion was intrinsically as good as another's.

Thus the primitive intuition of democracy became the animus of a philosophy which denied that there could be an order of values among men. Any opinion, any taste, any action was intrinsically as good as any other. Each stands on its own bottom and guarantees itself. If I feel strongly about it, it is right, there is no other test. It is right not only as against your opinion, but against my own opinions, about which I no longer feel so strongly. There is no arbitrament by which the relative value of opinions is determined. They are all free, they are all equal, all have the same right and powers.

Since no value can be placed on an opinion, there is no way in this philosophy of deciding between opinions except to count them. Thus the mystical sense of equality was translated to mean in practice that two minds are better than one mind and two souls are better than one soul. Your true mystic would be horrified at the notion that you can add up souls and that the greater number is superior to the lesser. To him souls are imponderable and incommensurable; that is the only sense in which they are truly equal. And yet in the name of that sense of equality which he attains by denying that the worth of a soul can be measured, the worldly democrats have made the counting of souls the final arbiter of all worth. It is a curious misunderstanding; Mr. Bryan brought it into high relief during the Tennessee case. The spiritual doctrine that all men will stand at last equal before the throne of God meant to him that all men are equally good biologists before the

> ballot box of Tennessee. That kind of democracy is quite evidently a gross materialization of an idea that in essence cannot be materialized. It is a confusing interchange of two worlds that are not interchangeable.[14]

Lindsay, who quotes this passage from Lippman, goes on to raise the obvious question, "If 'mystical democracy' is what really matters and if it is quite distinct from literal democracy, why should we concern ourselves about democratic machinery at all?"[15] Lindsay's reply to his own question, to us, makes good sense:

> If democracy is to survive, it will have to employ and use every bit of skill and knowledge and leadership it can get hold of. This complicated interdependent modern world in which we are living cannot be run without knowledge and skill, foresight and leadership. Any cult of incompetence can only lead to disaster. A modern democratic state is only possible if it can combine appreciation of skill, knowledge, and expertness with reverence for the common humanity of everyday people. It is that conception of equality which its institutions will have to express.[16]

From our point of view it is both the "reverence for the common humanity," as well as the respect for "expertness" which are missing components in Thorson's analysis.

There are, moreover, other idfficulties in the democratic process approach which are of more than theoretical importance. For example, what does one do with those who refuse to accept reasonable standards of reason and intelligence? What do we do with a McCarthy who plays upon the irrational fears and tensions of the uninformed, but who does not resort to open violence? What do we do with a Hitler who has the hypnotic power to anesthesize reason on a large scale? The democratic process doctrine assumes that the majority of people exercise reason at all critical choice points, for it takes but a short period of non-rational or irrational behavior on the part of the majority to cast away the whole system of democratic process.

Nor is the problem simply one of controlling the irrational and the non-rational impulses of those participating in the democratic process. There is the deeper problem of identifying who is irrational or "unreasonable" in a particular conflict. Let us suppose that a strong pacifist movement gained momentum in the United States, and the government finally reached the conclusion that the movement threatened the "national security. Is it not possible that it is the government's foreign policy that threatens the national security, rather than the pacifists? The point is simply that standards of reason are equivocal. Using the same data, we can come up with markedly different interpretations of "correct" government policy. And when the community is sharply split over such different interpretations of reasonability, what decision do we make? The question, simply put, is what do we do with an obdurate minority which "threatens" the security of the community because it honestly differs with the government or majority on how to improve, maintain, or preserve the community? How long do we cling to peaceful persuasion as the final instrument of social control? And if we reject this in favor of force, how do we justify it?

---

[14] Quoted in A. D. Lindsay, Modern Democratic State (London: Oxford University Press, 1943), pp. 253-55.

[15] Ibid. p. 215.

[16] Ibid. p. 261.

A variation of the same problem concerns how to deal with a strong minority which overtly proclaims that the democratic process is not the best way to deal with political controversy. Nor is this an abstract problem. In 1933, the German government requested Hitler to assume control of the state when his party openly advocated the overthrow of democratic institutions. Is it legitimate to defend by force and violence democratic process and peaceful persuasion in the face of threats which may destroy the institutions which protect these very values? At some point can you brand an individual or group as "undemocratic" and lock them up? This is precisely what Adenauer did to a popular facist leader in 1953. Was he not justified in doing it? A similar crisis occurred in Czechoslovakia in 1948. The Czechs, however, did not restrict the Communist Party. It was allowed political freedom. Finally through intrigue and force, the Party overthrew the government and with it democratic institutions.

The problem is basic to any democratic theory: How can a community handle a deviant minority which threatens either the safety of the community or the safety of the democratic institutions within the community? At what point do we reject the right of this kind of minority to use persuasion, and demand that it be silent, change its views, or go to jail? The "clear and present danger" doctrine rather than providing an answer is simply another way of stating the problem. For some, the danger will never be clear enough or present enough to reject democratic process; for others the dangers are so clear and present, that the community is never secure enough to entertain the use of democratic principles. Most of us fall somewhere in between.

Another problem of the democratic process approach is what has commonly been called the tyranny of the majority. It is the converse of the problem discussed above. In one case we ask, how can the majority be protected from an "irrational" minority which threatens the community. Now we ask, how can an innocuous minority be protected from an irrational majority? The extreme case, of course, is the will of the majority to commit genocide in the name of progress or general welfare. This again is no academic question. One might fairly state that this was essentially done to groups of American Indians in the United States. The advocate of democratic process commonly rebuts this position with two arguments: first, it would be "unreasonable" to persecute a minority; second, the minority can be protected by requiring a high degree of consensus for critical political decisions. To the first rebuttal one may only say that for the long range progress and welfare of the United States, it was very "reasonable" to wipe out large segments of the Indian population. It was probably very "reasonable" for Stalin to wipe out the Kulaks, a major source of resistance to the government programs in Russia. One must call on values other than "reason" to justify the humane treatment of minorities. To the argument that minorities can be protected by demanding higher degrees of consensus for important political decisions, one need only observe the United Nations Security Council or the rules of the United States Senate to see the problem this presents. Giving veto power to a minority is a double edged weapon: it can prevent unreasonable and inhumane treatment to a minority group; it can also allow a greedy and short-sighted minority to continue acting in the worst interests of the community.

Liberty: extreme individualism as an ethical approach to political controversy. The extreme individualist position is essentially subjective relativism. It makes two important assumptions: first, that it is possible to maintain a society of convenience in the Hobbecian sense, when the main motive is self interest; and second, that it is, in fact, in the best interests of the community to allow a maximum degree of individual freedom even at the cost of considerable anarchy and wide margins of human inequality. In this position, government sanctions can be used only to restrict the use of physical violence and to protect contract and property rights.[17]

The individualist position is logically strong, since it consistently extolls personal freedom as the highest value, and maintains that freedom should only be restricted by the government when there is an obvious violation of another's person or property. The position breaks down, however, under the weight of the practical consequences in such a community. Our experience indicates that when the government acts only to restrict and control overt violence and to protect property rights, extreme inequalities occur among men. These positions are inherited, become rigidified, and hence persist. Thus, the argument of the Social Darwinist that such a system ultimately will produce the most noble individual and society may be countered by the argument that weak children are kept in power by the wealth and estate of the parents, and strong children are crushed by the misfortunes of their parents before they have the opportunity to develop. When personal liberty and the power of the government to protect this liberty are extolled over all considerations of equality, freedom turns out to mean liberty only for the favored classes.

The individualist position might be defended if one could demonstrate that the people in each generation had a reasonably equal opportunity to fulfill their ambitions when the race for power and progress began. But it is precisely such measures as income taxes, public education, public health, inheritance taxes, and public housing measures, which help bring about the conditions of a fair race for each new generation, that are often most feared and abhorred by the rugged individualist. The problem is further compounded by the tremendous growth of capital wealth since the industrial revolution, which tends to aggravate inequalities from one generation to another.

---

[17] For a rationalized defense of this position see F. A. Hyack, The Constitution of Liberty (Chicago: University of Chicago Press, 1960).

There are at least two major difficulties with this position, then. First, how is the innocent child to be prevented from suffering for his father's inadequacies, and conversely, how is the privileged child to be prevented from gaining power and control when he may be incompetent? Individualism stresses the doctrine that freedom, especially economic freedom, should be the reward for competence: -- the competence of each individual, not the collective competence of one's relatives. A second weakness rests with the question: What if the plight of the "weak" becomes no better than that of slaves or animals? Don't the obvious common qualities of humanity, such as sympathy and love, become perverted in the competent individualist when he can live in the midst of and tolerate such extreme poverty? Do the strong not then lose some of their humanity also? (This is certainly a striking message one sees, for example, in much of Dickens' work).

The individualist position _can be_ a clear and consistent guide to political action. It breaks down only if the individual defending it also values equal opportunity and universal fellowship as complementary values. And in the American society it is difficult to avoid some concern for these other values.

Enlightened self-interest as a variation of radical self-interest. Enlightened self-interest, as we use the term, refers to a policy whereby one acts for the highest good of the self, after reflection about the long-range consequences of one's conduct upon the whole community. It is this long-range reflective component that distinguishes it from simple individualism. The position argues that each man, if taught to reflect upon the total implications of his own acts for the self, including his reciprocal relationships with his fellowmen, will quite naturally conduct himself in the interests not only of the self, but also in the best interests of the community. It assumes that what is good for the individual is good in most cases for the community, and _vice versa_.

The common strategy for questioning this position is to point to cases of heroic self-sacrifice (the soldier who sacrifices his own life to save those of his comrades), and ask: Was this in the individual's own self-interest? The rebuttal gives an affirmative answer. We then see that all conduct no matter how altruistic, is done for one's own self-interest, because the individual has so internalized his duty to others, that he could not live with himself if he did not act thus. The question we then must ask is: If all actions are out of self-interest, and self-interest is the standard of good, then is not all behavior good?

At this point, the distinction between the enlightened individual and the amoral psychopath or the simple hedonist becomes central. At this point the argument for enlightened self-interest generally shifts from "self-interest" to "enlightened." Political action should be designed by and for those who are intelligent and reflective enough to distinguish short-sighted greed from the long-term good. While this shift gets us away from the circularity pointed out above, it offers no basis for evaluating who is right when two "enlightened" minds come up with a different public policy.

Suppose, for example, I see my enlightened self-interest in terms of immediate unilateral disarmament. Reflecting carefully over what is best for me and what is best for my community, I decide that it may be better -- assuming atomic war is imminent -- to be occupied by the Soviet Union in the hopes of developing that society into a liberal democracy, than to risk further suffering and possible destruction to all humanity. My opponent argues that he sees his enlightened self-interest differently. It would be intolerable for him or for any free man to live under the restrictions imposed by a totalitarian government. He believes we are better off to risk our own destruction, than to capitulate, since life would have little meaning without the freedom guaranteed each of us in a constitutional democracy. Each of us sees his own reflected self-interest differently; each of us sees the limits of a tolerable society differently. Obviously the principle of enlightened self-interest will not resolve this dispute. It simply clarifies the different weight each man places on the values of personal freedom, physical suffering, and the relationships between the two values. It does not indicate which value is important. If our main concern centers on the question of which conception of self-interest will contribute more to the interests of the community as a whole, the concept of self-interest has lost its importance as an ethical principle and utilitarianism has taken over.

Although the enlightened self-interested position has difficulties, it is a useful part of the analysis of many types of problems. When there is conflict over short-run or against long-run public policies, and it can be demonstrated with some certainty that the positive consequences of a short-run policy tend to be more than negated by the long-range consequences, it does provide us with a guide for practical judgment. In arguments over the conservation of timber resources, for example, if one can demonstrate that the long-range consequences of overcutting is massive soil erosion, the policy may be destructive both to the interests of the person doing the cutting and to the interests of the community. The emphasis which the proponent of enlightened self-interest places on reflection about long-range consequences is worthy of note, and is an important step in the clarification of almost any political controversy.

General welfare or utilitarianism as a central standard from which to judge political controversy. The extreme individualist position breaks down or becomes less meaningful if it can be shown that a healthy community[18] is necessary for the fulfillment of one's personal self-interest. Once this is demonstrated, we jump to enlightened self-interest where one feels a responsibility for the community because the interests of the community are tied in with one's own interests. This position has the strength of admitting that community interest and self-interest are closely related and not necessarily incompatible, but offers no clear guide to political conduct when there is a conflict of value over what is, in fact, good for the community.

---

[18] We recognize the vagueness in the term "healthy community," but feel that it can be defined at least in terms of the more obvious indices, such as unemployment rate, crime rate, health conditions, etc.

The principle of general welfare or utilitarianism does provide, at least on the surface, a standard by which to measure the value of conflicting public policies. The standard is simple: the greatest good for the greatest number. The obvious difficulty of utilitarianism is defining and measuring the "greatest good." If the main concern is with elementary economic goods, such as food, clothing, medical care, and shelter the problem is relatively easy. When we move from the fulfillment of the basic animal needs of man to intellectual and spiritual matters, however, we run into trouble. In modern societies, economic or aesthetic elites, generally more creative than the "common man," constantly develop new expressions of the good life which the common man wants to imitate. The common man then comes to interpret the good life in the same terms as the elite. Should we halt the progress of the creative elite and let the common man "catch up?" How large an economic gap should there be between the richer and the poorer groups in society?

The Communist answer to this question is a simple formula: From each according to his ability; to each according to his need. The Communist doctrine assumes further that man's motives in a true Communist society would not be economic but rather creative or aesthetic. While this may sound good in theory, no modern society is without stratification, least of all the Soviet society, which embraces the Communist formula.

The utilitarian doctrine rather than resolving basic ethical issues simply poses more explicitly the question: What are the legitimate standards of good? Good must be construed in more sophisticated terms than hedonistic pleasure, although even here there are problems. How does one measure the higher goods? And should the minority be penalized or abused because such actions benefit the majority? Who in society answers these questions: Experts? An elected elite? The majority? A group elected from a representative cross section of the community?

It is probably unfair to be unduly critical of the utilitarian doctrine, for it developed and grew in a period when the economic deprivations of the vast majority of people were salient and obvious. Women and children were forced to work in factories and mines to survive, when survival meant living in the midst of poverty, malnutrition, and disease. The exploitation of the masses of poor people by a wealthy minority was not a myth; it was a reality. The relative affluence today of the common man in America, however, has changed this picture. Currently, for example, questions regarding the kind and quality of education children should receive get far more attention from most Americans than the question of how to meet minimum nutritional needs. And determining appropriate educational standards is, we believe, a far more controversial problem than is determining appropriate nutritional standards. Utilitarianism in its broadest sense has the same basic objective as our own approach -- the greatest dignity for all men within society. Its difficulty is that "the greatest good for the greatest number" is an historically conditioned concept the original meaning of which is somewhat anachronistic today. And if we leave this more specific meaning, the term leads straight to all the difficulties inherent in man's attempt to define a general good for man in all realms of experience.

A value concept similar to utilitarianism, general welfare, should be considered here. One distinction between the "greatest good" doctrine and general welfare is critical. It is a distinction between what is good for the *majority* and what is good for the *community*. One can construe the community as an organic whole, and attempt to determine what a community needs to continue a healthy existence, or to be cured of disease. One can thus conceive of the community as governed by certain moral imperatives if it is to survive and develop. Buchanan has recently discussed this position within the framework of natural law:

> Whatever there may be of theological overtones or presuppositions in the vision, the key phrase is "a kingdom of nature." The regulative consequence of the vision ought to appear from an examination of the constitution of the kingdom. Part of the kingdom consists of persons as rational beings whose dignity and freedom are exercised in giving to themselves universal laws in the acts of their wills. By virtue of this power of self-government they are ends-in-themselves. The constitution of nature is violated if any of the kingly persons are treated merely as means. The constitutional situation is rather that the persons act reciprocally as means and ends regarding one another, or as mutual means to their common end, as the organs in an organism or as members of a free community. They may serve each other, but the royalty in each servant must also be respected.[19]

Buchanan then goes on to illustrate:

> ....This and other similar lessons [of conservation] have now led to long-term planning for the allocation of resources in which the aim of the prudent saving of resources for future use is always combined with the increase and enhancement of nature. Such thinking is best epitomized in the original act that established the TVA. Its stated purpose was to serve the welfare of the valley, and the purpose was carried out by planning forests, fertilizer plants, soil analysis, and flood control as well as electric power. The welfare of the valley, obviously and necessarily includes concern for natural ends, non-human as well as human.

---

[19] Scott Buchanan, *Rediscovering Natural Law* ("A Report of the Center for the Study of Democratic Institutions," New York: Fund for the Republic, 1962), pp. 48-57.

> Out of this dialectical learning there has developed a new and somewhat mysterious science, ecology. As I understand it, ecology was originally an attempt to collate various lines of linear exploitative planning, such as an industrial firm might practice to make an integral pattern of the side-effects and unintended consequences of procurement, employment and production. Industrial production in a complex city would present the acute problem. The result of the attempt led to another definition and posing of the problem, namely to conceive the plant as an organism with the city as the environment. Soon it was necessary to conceive the city as an organism with its environment. And so one might go on to national economies and to the world community. This is surreptitious teleological thinking, which, made explicit, would mean that everything in the situation would be viewed reciprocally with the others as means and ends. Such a conception is the aim of Patrick Geddes and Lewis Mumford when they take the organic view of the neotechnic period in the enhancement of nature including human nature in the valley. Human beings would no longer be exploiting nature or themselves. They would be free citizens in a constitutional kingdom of nature.[20]

This conception of "general welfare" as a supra-individual criterion for the determination of public policy is undoubtedly a fruitful and necessary extension of our own central value concept, human dignity. We see no contradiction or inconcistency here between the human dignity position and the "kingdom of ends." Ultimately, the definition of human dignity must take into account the requirements of the natural and social context in which human dignity can best be expressed.

Equality as a basic standard from which to judge political controversy. There are three components in the concept of equality, and it is important to distinguish among them. First, there is the idea of making rules which are then applied to everyone impartially -- the idea of equal protection under the law. The second concept of equality includes not only the idea of applying rules fairly, but of making rules to provide for equal advantage or injury. In games, for example, we make the rules which define the game. Applying these rules impartially is the first concept of equality. Seeing that opponents play only when they are evenly matched is the second concept of equality. The two concepts are obviously related, but they are to some extent independent. Rules can be made which favor one group over the other, even though they may be impartially applied -- segregation laws, for example. Both concepts merge into the idea of justice, which includes both a concern that laws be made which benefit the total community rather than a favored individual or group, and the concern for equal and impartial application of the laws.

---

[20] Ibid. p. 57.

The third concept of equality is the product of Hebraic-Christian thought -- the idea of the universal brotherhood of man. Men are equal because they all possess an inner spiritual quality. This common quality is expressed symbolically in the idea that we are all children of God. It is expressed more naturalistically in the idea that sympathy, charity and selflessness are uniquely human qualities which express the highest sense of man. Through the development of these qualities, all men can live a decent and good life. When men discover their brotherhood with other men and their common relationship to God, they will reject the use of power and coercion as a means of dealing with human conflict.

The same concept of equality is the moving force behind Marxist-Lenninism. It shares the assumption with Christianity that there is no inherent conflict between the individual and society or between organized groups within society and the interests of the society as a whole. Communism, in contrast to Christianity, rejects the spiritual basis of this equality, and condones the use of force and violence as means of achieving the perfect world in which all human relations are carried on in peace and harmony.

The problem of the Christian or the humanist who embraces the universal brotherhood of man as the highest value is obvious: How does one deal with those who have not yet accepted one' own point of view regarding universal brotherhood? How does one maintain a stable society in which peaceful persuasion is the instrument of conversion when some members of society reject the central concept -- brotherhood? The essential question here is whether or not force can be considered a reasonable instrument to manage the affairs of men until the greedy and ignorant accept conversion -- which may be never. Whatever the answer to this question, it is clear that no stable complex democratic society has been produced without a political system which relied ultimately on the threat of force and violence to produce peace and order.

Christian or universal love as a practical political ideology is thus burdened with the problem of demonstrating that men can be universally socialized to the point of rejecting self-interest as a criterion for judging political policies, and more important, that men can be universally socialized to reject force as an instrument for achieving personal goals. On the other hand, the English-Roman system of law and parliamentary democracy demands only that most people accept the basic tenents of the system. It is protected from disruption by accepting the use of force and coercion to restrict individuals and minorities who would resort to violence to gain their ends.

Equality as the unbiased application of law is usually not defended as a radical "first principle" of political theory; it is a corollary of individualism. Hyack,[21] for example, shows the contradiction between the equal protection concept and the use of government action to effect greater social or economic equality. In the latter situation, the government makes laws which deliberately penalize the more affluent and benefit the poorer classes of society, e.g., the graduated income tax. Equality as social justice or equal opportunity is generally defended on utilitarian grounds -- it benefits the whole community.

---

[21] Hyack, The Constitution of Liberty.

A major difficulty of making the concept of equality a primary principle for the solution of political controversy is the obvious fact that in terms of physical and mental capabilities men are not equal. This leads to the controversy over whether equality should be conceived in literal terms or whether it should simply be equal treatment under the law. To build a society in which men are given equal benefits in terms of the tangible goods of the society is anathema to most Americans, since different men work and sacrifice for the community in different degrees. But even if we accept the principle of rewarding men for their contribution to the community, the community must find some way of determining each person's relative contribution. Here again we are forced back to a quest for standards: Is it beauty, intelligence, practical cleverness, effort, amount of wealth produced, etc.? Like utilitarianism, equalitarianism is not a final standard of good; it is a standard which describes reasonable conduct once we have decided upon a standard of good. Also like utilitarianism, it is most powerful when large groups of men are denied those necessities of civilized existence about whose worth there is a high degree of consensus. To defend literal equalitarianism at all levels of human need, then contradicts a more basic idea of equality: to give to each what he has "earned." To defend spiritual equalitarianism as in the statement, "We hold these truths to be self-evident, that all men are created equal," is no less than a defense of our basic value, human dignity. In this sense, equality is the basis of liberty; the values of personal freedom and personal choice are guaranteed to all men because all share a common quality: humanity.

The Source of Values

Before leaving a discussion of the ethical bases of political analysis and controversy, we should raise at least one more question: What is the ultimate source of values? There are, of course, many answers: God; Natural Law; Prophets and Saints; man himself. Our own position, presented earlier, refused to take a stand and identify the source of our ultimate value -- human dignity -- beyond saying that it was identified by human intuition. We will assert that the instrumental aspects of the Creed, we believe, have developed somewhat fortuitously through historical invention (e.g., the jury trial) and are sustained partly because of their instrumental efficacy and partly through myths which give them a degree of sanctity independent of the value they support. We repeat here that it seems beyond man's intellectual capacity to use reason to arrive at an ultimate commitment upon which even intelligent and educated men can agree.

The major controversy revolving around the basis of values tends to polarize on whether the source of values resides in man himself or in some force beyond man. The position one takes on this question has implications for one's view of values as permanent and unchanging or as relative and flexible. For the sake of discussion, let us call the position which conceptualizes values as permanent and unchanging -- because their source is beyond man himself -- the natural rights position. The alternative position -- values as relative because they are created by man -- we shall call the pragmatic position.

The natural law or natural rights position states that man is endowed with certain inalienable rights which he intuitively perceives and which are self-evident to all right-thinking men. The difficulty of the position is most succinctly and clearly presented by White:

> Finally we must ask ourselves about the man who *does* believe that there are certain self-evident principles of morality. Can he be persuaded that there are essences which, when unpacked yield moral principles? Unfortunately he is often persuaded too easily and our success with him should not give us too much confidence. The point is, then, that all of the philosophical machinery is not so much an effective instrument of rational persuasion as a kind of self-encouragement, useful for philosophical whistling in the dark. Having persuaded himself of the truth of certain moral principles and having discovered that some people in other places and at other times have doubted it, the weak man needs support. He needs to be able to say that, even though it is not obvious to everyone, things in the realm of essence are so related as to substantiate or corroborate these principles of morality. The impulse is, of course, quite like that which leads men to say that "the facts" of the physical universe are such as to corroborate or verify their statements about *it*. But we see the otiose character of the latter view when we ask whether it has any use for a scientist in doubt or controversy. To say over and over again that the facts are such as to make your theory true is perfectly useless. It may buck *you* up, but it cannot persuade anyone who seriously doubts what you say.
>
> ....Moral, mathematical, metaphysical, chemical, biological, economic -- all sorts of beliefs make up this stock....[of] terminal beliefs. We want them to be consistent with each other and to fit in harmoniously and simply with other less confidently held beliefs; we want this structure to mesh with experience and feeling. We also, other things being equal, prefer to have other people adopt a similar system of belief. Both individuals and societies have in fact surrendered many beliefs which they once accepted as terminal, and some of these beliefs are moral beliefs. We do this for all sorts of good reasons. What, then, is the purpose of inventing a mysterious realm of essence *of which* our terminal beliefs are supposed to be true? Having gotten to the end of the line, why do we need to inch a bit further in the direction of darkness? Wouldn't it be saner to recognize that we all have our ultimate convictions at any moment, that they are not absolutely immune to change (although we can resolve, at our own peril, to make them permanently immune), that some people adopt the same beliefs as terminal and others don't. Who are the people we get along with? Very often the people with whom we have a great deal of agreement on these fundamental beliefs. Who are the people we quarrel with? Very often those with whom we don't share these beliefs. The point is that

> we and those whose lines, as it were, end up at the same terminal as ours shouldn't need the kind of mutual encouragement that comes from inventing a realm of essences beneath (or above) the terminal, and those who go in different directions are the last people in the world who are likely to use essences in the same way even if they agreed that there were such things.
>
> I hesitate to assign all of this view to Holmes, but I do think that it converges with what he says in his little essay "Natural Law." First when he says, "If .... the truth may be defined as the system of my (intellectual) limitations, what gives it objectivity is the fact that I find my fellowmen to a greater or less extent (never wholly) subject to the same Can't Helps. If I think I am sitting at a table I find that the other persons present agree with me, so if I say that the sum of the angles of a triangle is equal to two right angles. If I am in a minority of one they send for a doctor or lock me up, and I am so far able to transcend the to me convincing testimony of my sense or my reason as to recognize that if I am alone probably something is wrong with my works." And also when he continues: "The jurists who believe in natural law seem to me to be in the naive state of mind that accepts what has been familiar and accepted by them and their neighbors as something that must be accepted by all men everywhere."[22]

If the natural rights position has problems, the pragmatic position mires down even more quickly. For the pragmatist who states that we create or develop values which are "useful," as we noted above, has already implicitly commited himself to a criterion value -- usefulness, which he is required to define if not defend. The writings of the pragmatists, especially Dewey, are replete with implied naturalistic values -- such as, sensitivity, human concern for others, curiosity. The pragmatist thus does have a somewhat stable view of the nature of man which limits what man wants and what is good for man. The implicit ultimates of the pragmatist are thus in the nature of the species, which is simply another way of stating the natural law position.

The distinction between the pragmatic and the natural rights position, we think, is more one of the explicitness with which final values are stated and the extent to which one distinguishes instrumental and final values. There is substantial agreement upon what range of human behavior constitutes expression of human dignity, what range is debatable, and what behavior is clearly uncivilized. There is often sharp disagreement, however, about the extent to which man should experiment with instrumental values implied by existing institutions in an effort to attain greater dignity.

---

[22] Morton White, Social Thought in America: The Revolt Against Formalism (Boston: Beacon Press, 1947), pp. 275-77.

Our own position has an intuitive basis, and thus has problems on this point.[23] That is, we assume that most men will intuitively agree upon what behavior is brutish and uncivilized, what behavior is essentially human, and what behavior is in the grey zone. Beyond this point we can only assert that decisions must be made by rational debate. We thus have particular difficulty with means-ends arguments: To what extent should certain agreed upon civilized values (e.g., the consent process) be sacrificed to attain other important values (e.g., economic development or domestic tranquility)? On such questions we can only give relativistic answers: The answer depends upon what persuasion finally triumphs within the group which asks the questions. But we would add that if the members of the group who make the decision disclaim universal human dignity as the final criterion for judging their actions, the decision-making situation has become immoral. Sacrificing freedom for bread or survival, from our point of view, is moral if it is sincerely rationalized in terms of the ultimate of universal dignity; it is immoral if it is a cynical decision made in the interests of personal power, the promotion of a super race of men, or the like. Ends do justify the means. It is the only way means can be justified. And we can only say that the extent to which each of us should allow certain of our rights to be violated in an effort to promote greater long-range dignity for all men is a matter for each person to decide for himself. We believe there is a point beyond which means destroy the ends, i.e., man's ability to be essentially human, and it is beyond this point that withdrawal from the community, or more realistically, revolution, is justified.

---

[23] A comment by Buchanan is relevant on this point.

> "I have always been puzzled by the tortuous reasoning by which Kant ostensibly arrives at the insight that the categorical imperative expresses; the reasoning is much less revealing and convincing than the bare insight." Buchanan, Rediscovering Natural Law, p. 48.

From our point of view, the same could be said about a number of the basic ethical and political principles which constitute our moral heritage.

PART TWO

A CONCEPTUAL FRAMEWORK FOR THE ANALYSIS OF PUBLIC CONTROVERSY IN AMERICAN SOCIETY

INTRODUCTION TO PART TWO

In Part One we outlined a general approach to the selection of content in the social studies. We suggested that the selection of content involves two major decisions: What topics will one choose as the basis for selecting specific materials of instruction? And what intellectual framework will be used to guide the teacher and, in turn, the student in the way he handles these materials? We presented contemporary political controversy as the major criterion for guiding the selection of topics, and suggested a particular view of the pluralistic society as providing an intellectual framework within which these topics might be analyzed. Neither of these decisions is bold, unique, or startling. Such general descriptions of approaches to the social studies as well as outlines of content to be "covered" are common in educational literature. Curricula which simply list topics and describe desirable intellectual processes in terms of "critical thinking," "appreciation for American Heritage," or "the understanding of world interdependence" are from our point of view, all but useless.[1] Use of such vague terms places the burden of translation on the individual teacher, who very often must then rely upon his own implicit and unreflected frame of reference as the intellectual approach which the student is to imitate.

Part One was written not only to describe our own position with respect to content selection, but also to set the stage for a more detailed statement of the specific content which might be included in a curriculum directed toward the intelligent analysis of public controversy. Part Two is, therefore, a more specific statement of selected concepts one might employ to frame and analyze political controversy in a democratic society. This statement is in working-draft form. It is not in its present state suitable as a text for teaching these concepts, although parts of it have been used as such. It is best looked at, we feel, as a guide to the development or selection of specific materials of instruction for students of varying ages and abilities. In general, this is the way it has been used in our own experimental work described in Part Three. It should also be noted that the first chapters in Part Two have been written in relatively simple and direct language. This was done for two reasons. First, we want to demonstrate that teaching such a framework to young adolescents is plausible. Second, we suspect that there is a strong relationship between the degree of complexity of such a framework and the extent to which it will express much that is idiosyncratic of the authors. We assume that the teacher begins with a frame of reference similar to our own, but in some ways different. We assume also that the student begins with his own implicit but inadequate frame of reference with respect to the analysis of political issues. As the teacher and student deal with complex political issues, areas of disagreement will most certainly develop between the way the teacher chooses to analyze a problem and the way the student chooses to analyze the same problem. We want our framework to provide a sufficiently simple and general approach that both teacher and student can use it to clarify, elaborate and communicate their own individual modes of analysis.

---

[1] A rare and noteworthy exception to this kind of general description was recently presented by Clyde Arnspiger, Personality and Social Process (Chicago: Follett Publishing Co., 1961).

CHAPTER THREE

THE ETHICAL COMMITMENT OF A DEMOCRATIC SOCIETY

Social Values and Human Dignity

Community Conflict and Controversy

There appear to be three important facts about human beings and the groups in which they live. First, each person is somehow different from all other people; he is often different in what he believes, what he desires, what he thinks is good for himself, how he feels about other people and other things in the world around him. Second, regardless of their individual differences, people generally choose to live in groups and modify some of their own personal desires and beliefs in order to get along with others who live in the same group. So, although each person is unique and different, all of us as social beings share enough in common that we desire to live in groups and depend upon one another for safety, shelter, and companionship. Third, the fact of being different and yet living in communities which face common problems leads to controversy and disagreement about decisions which affect the community. The controversy may erupt when we place our own desires and preferences above those of other members of the community; it may be caused by different interpretations of what is in the best interests of the community. Whatever the situation, it is usually difficult to establish a clearcut case for the rightness or wrongness of many specific proposals by which public problems in a community are to be resolved.

Public and Private Decisions

We should qualify our initial statement about community conflict by noting that every controversy over right and wrong, good and bad, is not the business of the whole community. Some of our actions affect mainly our own personal welfare, and are nobody's business but our own. On the other hand, many if not most of the decisions we make affect not only ourselves, but many of the people around us. It is important to distinguish between these two kinds of decisions. Decisions which affect the community we shall call public decisions; those which affect only an individual or a small private group we shall call private decisions. Decisions affecting the control of communicable diseases in the community, for example, are obviously the concern of the community in general. Decisions about the choice of food, clothes, music, and art one enjoys are private matters. Decisions about our choice of occupation or the number of children one chooses to bear and raise are presently private personal concerns and yet have an important effect upon the community. One of the major sources of community controversy springs from just this question: "Should my decision be a matter only for me to consider; or should it be discussed, regulated, or controlled to some degree by other members of the community?" The problem of determining the point at which a private decision might be a legitimate public concern can, perhaps, best be described by illustration. Suppose, for example, we look at the simple problem of deciding what color to paint your house. Few would deny that this is clearly a private decision. Suppose we then move over into the problem of decorating the outside of a store. Should the community be able to regulate the size and appearance of the signs which advertise the name and nature of the store?

Signs are now commonly regulated by zoning laws. The town fathers of an old New England community, for example, recently became very indignant because the sign displayed by a new F. W. Woolworth store clashed with the colonial decor of the town, which had both monetary (tourist) as well as aesthetic value. The store gave in to community pressure and now displays a "colonial" type sign.

Deciding where private concerns end and where legitimate public concerns begin may be clarified by distinguishing between personal preferences and general social values. In which kinds of situations, for example, does the effort to "compete with" or "out-do" another person remain a private concern and in which kinds of situations does it violate some important general social value? The following example is illustrative:

> According to the complaint he filed in court, Edward C. Tuttle had for many years been a successful and popular barber in the Minnesota village where he lived. He had maintained his family comfortably and had actually saved $800 a year, which in 1909 when his case was litigated could certainly be called "a considerable sum." But somehow he incurred the enmity of Cassius B----, a rich local banker. B----, Tuttle pleaded, decided to drive him out of business and, to that end, opened up and furnished a second barber shop in the village, hired a barber to run it, and used his wealth and prominence to divert Tuttle's customers to B's shop. Tuttle alleged that B---- took these steps maliciously to destroy Tuttle's business, and that, far from trying to serve any business purpose of his own, B---- had started the new shop without regard to any loss it might entail. Therefore Tuttle sued for damages.
>
> B---- contended that even if these allegations were proved, he would not be liable, because, however ill his motives might be, he had only exercised the right everyone has to enter into competition in a lawful trade.
>
> The highest court of Minnesota decided (3-2) that, if Tuttle could prove the truth of his pleading, B---- should be held liable for damages. B----'s alleged conduct was not competition but a brutal "application of force."[1]

This situation is interesting because of certain obvious questions it raises. If B----'s anger had led him to boycott Tuttle's barber shop, this decision would certainly have been considered a private matter between B---- and Tuttle. If B---- had hired three thugs to stand outside the shop and discourage customers from entering, this is clearly a public matter. But what of the use of cutthroat competition to satisfy feelings of personal antagonism? B---- has legally purchased and established a business to compete with Tuttle. On the other hand, in no sense does Tuttle have a chance to compete with B---- on equal or fair terms. At this point it is importantt to note that we begin to employ the language of social values; terms such as property rights and a fair or equal chance to compete. Both parties to the dispute support or justify their positions in the language of social values.

---

[1] This example is taken from Edmond Cahn, The Moral Decision (Bloomington: Indiana University Press, 1956), pp. 135-6.

Human Dignity and Standards of Conduct

What, then, is the purpose and function of social value concepts in public dispute? One answer to this question may be stated as follows: When we are faced with public disputes in which it is difficult to determine who is right and who is wrong, or when it is difficult to say whether the community or individual parties in the dispute should make this decision, we often seek to resolve these situations by seeking general principles of ethical or moral conduct. We seek to discover rules of behavior by which our lives can be guided. Moreover, we want to anticipate stable and predictable ways of resolving future conflicts with others. From these stable approaches to conflict we generate more or less general rules of conduct which allow us to evaluate or judge many different kinds of situations. In the conflict between Tuttle and B---- there are clearly two general principles involved: B----'s right to use his own money or property to start a business and Tuttle's right to compete with others on a fair and equal basis. In these troublesome situations two general rules or values which we want to employ to make an ethical decision have come into conflict. So while the use of general rules of conduct or social values allows us to clarify or evaluate social conduct more consistently, often these values come into conflict with one another. In such a conflict we may appeal to a more basic standard -- our intuitive sense of human dignity. This more basic intuitive sense may tell us that a particular application of a social value is in itself a perverted use of the concept. As the court decided in the Tuttle case, property rights can be used as a "brutal application of force" rather than to protect this more basic standard.

But if there is a more important and more basic value, why do we need to think in terms of specific values such as property rights to evaluate social and political decisions? Why not judge all behavior by the extent to which it contributes to human dignity and respect for the individual? Some philosophers have, in fact, tried to compress all ethical principles into a single general prescription to guide behavior. We are familiar with the general recommendation: Do unto others as you would have others do unto you. This is a powerful yet simple statement telling us how to behave toward each other. It is a guide to the resolution of human controversy. But such general prescriptions, although they are simple and powerful, often create as many problems as they solve. Men interpret how they would like to be treated in many different ways. For this reason, thoughtful men have sought to construct more specific principles or guidelines to help us behave in accordance with the fundamental standard of human conduct we are calling "the dignity of man."

Perhaps we can summarize what we have been saying about the use of social standards or values to judge situations or human conduct in the following three statements:

(1) People often try to develop general principles of behavior to guide their action; the most general and basic principle in our society is a commitment to human dignity.

(2) While respect for human dignity and the rights of the individual may be the essential basis of judgment in a controversial situation, it is often difficult to understand or communicate the reasonability of alternative decisions on the basis of this principle alone.

(3) Throughout history, men have developed more specific values which, when followed, are believed to promote the value of human dignity.[2] These specific values or rights may be thought of as both elements of and bridges leading toward the more basic value. Examples of these values or principles are:

   (a) the right to think, to believe, to speak, to worship as one's conscience and personal experience dictate.

   (b) the right to be secure from physical attack or injury.

   (c) the right to make agreements with other men and have these agreements respected.

   (d) the right to have one's own personal property protected from seizure and destruction.

These more specific values give a clearer idea of what we mean by human dignity. They help us understand better how to interpret and protect our freedom. But, as we noted above, the use of the more specific values leads to the problem of what to do when two such values come into conflict. How can people go about resolving their controversies within the limits of these basic values?

Rational Consent

In the framework we are describing here, we assume that respect for human dignity and personal freedom is the basic social value in the American community. When two people disagree over public policy, each should appeal to this basic value when he defends and rationalizes his position. But how does one go about defending and rationalizing a point of view? How does a society which is committed to human dignity as a final value go about dealing with public disputes?

---

[2] This does not mean that these are necessarily intentional efforts to achieve greater dignity, many are promoted from self-interest, e.g., the Magna Carta.

Our own society has developed an elaborate set of procedures to deal with public disputes which are, hopefully, consistent with the fundamental value, human dignity. The principle behind the procedures man has developed for settling his disputes with peace and dignity we shall call rational consent. Before describing rational consent, however, we might consider two common alternative approaches.

One of the oldest principles of conflict resolution is "might makes right." When there is a conflict, the bigger and more powerful individual in the conflict settles it by force or threat of force. In our first example, B---- is richer and more powerful than Tuttle, so he simply runs Tuttle out of business. Or, if there is some doubt as to who is stronger, they fight it out. The use of force or the threat of force to resolve conflicts is coercion. Coercion as a means of settling questions of belief and value so often violates our sense of justice and human dignity that it must be rejected. A commonly accepted aspect of the "civilized" man involves just this: the rejection of coercion or force as a method of resolving human conflict while more rational means are still available.

A second method of resolving conflict is thought control. An individual or group may control so many sources of information that it is possible to shape and control men's beliefs and values. In this way, everyone can be taught the same ideas and values. There is little room for public conflict. Thought control and coercion are often used as weapons of a dictator to maintain his own power. Both methods, however, violate one of man's most distinctive characteristics, perhaps the one thing above all else that gives him dignity: his ability to think, to reason, to use words and symbols to persuade himself and others that his beliefs are right or his actions good. Coercion rejects reason. It says, "No matter what reason dictates, the final decision is made by strength." Thought control is a method of thwarting reason by not allowing it to roam freely over many sources of information.

Let us return now to rational consent as an approach to human conflict which has generally been established in communities where human dignity and respect for truth and reason are the highest values. The word "rational" emphasizes our commitment to reason and thoughtful reflection. "Consent" emphasizes the principle that each person who is involved in the conflict should have a chance to express his opinion in one way or another; each person should have his say before he can be bound by a decision affecting him.

The process of rational consent begins with free and open discussion of a controversial issue. The purpose of the discussion is to encourage individuals and groups involved in the conflict to arrive at an understanding of their respective positions, and, hopefully, to agree upon a common course of action. We do this by honestly describing the conflict as best we can, and by making our decisions as consistent as possible with our basic social values. This means that we should avoid the use of trickery, deceit or distorted information to persuade others. The fact that words have poetic or emotive power in varying degrees presents particular problems. It may well be necessary to use "strong" words and powerful metaphors to discuss a value-laden issue, but to select and use such words only because they are likely to sway a decision in an irrational manner may involve trickery or deceit. The problem of distinguishing between rational persuasion and demagogy is, of course, difficult and complex. There are at least three important dimensions of the problem: the intentions, motives, and sincerity of the speaker; the truthfulness of the message uttered by the speaker; and the extent to which the message plays on irrational or uncontrollable fears and emotions of the listener. Hitler is an obvious example of the demagogic extreme. He was often insincere and dishonest in the motives and intentions he conveyed to his listeners; he lied unconscionably, and he often played on unreasonable fears and impulses of his audience -- at times he deliberately whipped his audience into a state where reason was completely rejected. A book like Uncle Tom's Cabin presents a more ambiguous case. The author was sincere. The events in the book may have been fictionalized accounts of similar events that had actually occurred, but the book, in toto, did present a distorted picture of slavery in the South. Metaphorically, however, perhaps the book was accurate in portraying the inhumanity of the whole institution of slavery. The point is simply that the line between sincere persuasion and deceitful demagogy is a fine one. For this reason one must be careful to discriminate when one thinks demagogy is taking place and to expose it. One must be doubly careful, however, in making false accusations of demagogy, especially when one accuses another of insincerity, for proof of insincerity is difficult to come by.

Two Meanings of Consent

We have, then, rejected coercion and the deliberate censorship and control of information as methods of resolving disputes in favor of a process more consistent with the value of human dignity -- rational consent. This is a process in which people freely debate possible courses of action which may affect them. But commitment to the process of rational consent as the major procedure for settling disputes brings with it many problems. Perhaps we can best describe the most important problem in the following example.

Let us suppose a flood is threatening a community. The river is rising rapidly. Members of the community are in sharp disagreement about what action should be taken. Some want everyone to leave the community and avoid personal risk. Others want to evacuate only the women and children and require the men to stay and fortify the levees in an effort to protect their homes and property. If the community is committed to consensus or complete agreement as the criterion for the resolution of this conflict, three alternatives are available. Everyone can be persuaded that leaving is the best policy. Everyone can be persuaded that the men should stay and make a stand against the river. Or, failing to arrive at consensus, everyone may stay and debate the issue until the community is swept away in the flood. Clearly either of the first two alternatives is better than the third. In many situations any of the controversial alternatives available to a community is better than endless debate over what decision should be made. When the need for action is desperate, it may be foolish to wait until all parties to the disagreement have given their consent before a decision can be translated into action. For this reason the principle of consensus or complete consent is rarely used in practice as a means of resolving disputes.[3] Decisions are usually made when the majority of members in a dispute agree that one decision is the best. This majority may be one more than one half, two thirds, three fourths, or whatever the group decides in advance will constitute "consent."

In another sense, however, we often do demand complete consent. We demand that all citizens consent to abide by the decisions made by the group, provided that the process by which agreement is to be reached has been faithfully carried out. Thus, for example, the members of a club may agree that the process of debate and election with the majority ruling is the proper way to resolve a disagreement over who will be president. If the process if followed, all agree in advance to honor as president the person elected to the office. If one refuses to accept the process, he is likely to lose membership in the club. Loss of membership in the political community, of course, has more serious consequences.

The idea of consent, then, can be thought of in two different ways. We can give our consent to specific decisions, like agreeing that Jones will be president, or agreeing that everyone will evacuate during aflood. Or we can give our consent to abide by any decision made in accordance with a specific set of consent procedures. In general, we demand only that a majority of citizens or their representatives reach agreement before a specific decision becomes binding. However, we demand that all citizens be bound by a decision-making process.[4]

In the kind of communities in which we live and in the kind of groups to which we belong most of us act in accordance with the process of rational consent as a means of resolving conflict. Specific debating and voting procedures in this country are generally consistent with the spirit of rational consent.

---

[3] It might be noted that it is still commonly used in jury trials where all twelve jurors may be required to reach agreement before action can be taken against someone accused of a crime.

[4] It should be pointed out that some political philosophers, e.g., Thoreau and Laski, have stated that the individual has an obligation to obey only those decisions which are consistent with his own conscience. Some Quakers' refusal to serve in the army despite a declaration of war through the legal consent process is an example of the application of such a principle. We might note that democratic societies tend to tolerate higher degrees of anti-societal or anti-legal conduct when it is justified in terms of conscience rather than expediency.

The Government and Basic Social Values

In our daily lives each of us assumes some group responsibility and we are often to some extent embroiled in group controversy on the community level, and even in our own personal groups and families. It is important, however, to distinguish between our relationship to a group with governmental power and sanctions, and our relationship to groups which depend more on voluntary action. The government has the power and authority to demand our obedience, no matter what our personal wishes may be, as long as legitimate consent procedures are followed. Other groups depend more on the voluntary actions of their members to achieve their purposes. In our own society, for example, we can decide for ourselves to which church we wish to belong, although factors such as our parent's church membership may mean that we never really exercise this right. And after we join a church we cannot legally be required to follow its doctrines, unless in breaking them we also break the law. But by virtue of being born in this country, we are citizens (unless we explicitly reject this status), and we must obey the government's decisions or suffer the legal consequences.[5]

Civil Disputes

In this same connection, we should also distinguish between rules and laws. The penalties for breaking rules of non-governmental groups are generally less harsh than penalties imposed on those who break government laws. If we refuse to obey the rules of a group we have joined voluntarily, we can be denied future membership in the group, but that is usually the most extreme penalty that can be inflicted upon us. If we disobey a governmental law or decree, we can lose our property, our liberty, and even our life. Moreover, a government usually has a monopoly of power by which it can force its citizens to obey its decisions.

It is well to ask why a government should be given such a monopoly. Doesn't this power over our lives and our liberties threaten the whole idea of personal freedom and human dignity? Shouldn't there be only voluntary groups which we can freely join and leave? The answer to this question is complicated. In general, an ethical government can justify the use of force and coercion only when it is employed to preserve or promote the dignity and freedom of the individual within the community or nation. (We might note that governments, even democratic governments, may use force unjustifiably.)

---

[5] The situation of the naturalized citizen is more like that of membership in a voluntary group, although once he becomes a citizen he is not free to decide which decisions to follow. This serves to illustrate that the differences between voluntary and governmental groups are a matter of degree. Voluntary groups often exercise powers approaching those exercised by the government, as in cases where the threat of eternal damnation is used to enforce church membership. The picture is further complicated by the use of governmental sanction to encourage membership in voluntary groups, as in the case of labor union membership in the states where the union shop is legal.

To understand better how governments can justifiably use force and coercion, let us look at an example. Suppose the great majority of people in the community are in favor of fair and public trials of people accused of a crime. A man is accused of kidnapping and murdering a small child. He is arrested. Here the government has chosen to use force to restrain temporarily a man who might further threaten the safety of the community if allowed to go free. At this point the accused cannot solve his problem by leaving the community. His membership and responsibility to the community are more or less permanent. (At the very least, he must be a member in "good standing" before he can choose to leave). To extend our example, suppose the father of the murdered child recruits a number of his friends to storm the jail and hang the man accused of the murder. Again, the government must use force to prevent such action, since it clearly violates the community's responsibility to provide the accused with a fair trial. This illustration suggests that when the individual becomes a member of a community he gains important privileges and takes on important responsibilities. Since performance of these responsibilities is necessary to maintain a peaceful and orderly community, the community cannot depend upon voluntary obedience to laws. If this were the case, one man (as the man who kidnapped and murdered the child) or a small group of men (as those led by the father who want to lynch the person accused of the kidnapping) could violate the rights of others without fear of any penalty other than being disliked or disapproved by members of the group. Experience has shown that community disapproval is not generally a strong enough sanction to protect the rights of citizens. Even threat of force or coercion is not enough, for we do have jails and prisoners.

Two Systems of Government

To maintain law and order and to insure that citizens will have the opportunity to use rational processes to settle their disputes, communities delegate power to a government. Governments are made up of those people within the community who are given political power -- the power to force the people to obey the demands made upon them by the government. In a community or nation ruled by a dictator, the government uses its power to restrict the formation of voluntary groups, to censor the flow of information, to destroy or restrain those people who speak against the government. Dictators do this to make people think that every decision made by the government is right. In a democratic society, the government restrains itself as much as possible from interfering with voluntary groups and the free flow of information, so that the people may intelligently evaluate the quality of the government and, at regular intervals, change the officers who govern when they feel that the government is not acting wisely. Thus, a dictator may rule by the consent of the people, because most citizens feel that he makes wise decisions. But in no sense are the citizens allowed to participate in the process of rational consent. They cannot speak and think freely about the wisdom of the decisions made by their government, nor can they change it when they feel unwise decisions have been made.

These are two systems of government by which political power may be used. We ordinarily feel that democratic government is a better way of organizing political power, because it is more responsive to the wishes of the nation and community.[6] But it should be clear that even in a democracy, individuals and voluntary groups can be frightened and persecuted by an intolerant majority or a clever and powerful minority.

Constitutionalism

When a society establishes a government limited by a body of laws and principles which protect the central values of a democratic society, i.e., human dignity and rational consent, we say that the nation operates within the framework of a constitutional democracy. Such a government is termed constitutional because its actions are restricted by a constitution -- the body of fundamental laws and principles which limits and defines the authority of the government and of the people.[7]

A constitutional democracy has at least two important characteristics:

1. The government restricts the use of its power to those areas of concern to which the people or a majority of the people have given their consent.

2. The government is responsible for protecting the rights and freedoms of individuals even when these rights are invaded by the majority of citizens. That is, even though the majority may agree to undertake certain actions, the government is obligated to restrain the majority from violating the basic rights of individuals who happen to be in the minority. For example, the right to speak freely and join voluntary groups is protected under the United States Constitution.

Another way of looking at democratic constitutionalism is through the concepts of delegated and final authority. The government exercises power delegated to it by the people through the Constitution. Final authority, however, rests with the people. It is further assumed that the people will exercise their final power and authority only in accordance with the rules stated in the Constitution.

---

[6] In our discussion of the democratic society we should like to make it clear that in the short run we do not suggest that government based on rational consent is good for all societies. The procedures for dealing with community controversy based on rational consent are certainly not appropriate under all human conditions. For a complex society to be democratic, it probably must have, at the very least, a high rate of literacy, well educated and responsible leadership, and a stable political and economic system.

[7] Although constitutions are generally written documents, their importance rests upon the willingness of people to restrain their own actions in accordance with the values the constitution seeks to protect.

How does this process of delegating power first take place? How does a society get a constitutional government? Let us look at our own country as an example.[8] In 1787 the people of the thirteen states could not all meet together to write a set of rules by which the new country could be governed. They had few roads; they could not all be away from their homes for several months. Yet many of them wanted a better government than the Articles of Confederation provided. The people of the thirteen states had many interests in common, as well as the will and the power to carry out these interests. But they had found no way of delegating authority to a government which could effectively carry out their interests. Furthermore, they were cautious about delegating power to a central government because they thought it might not respect the final power that rested with the separate states and with the people. This fear was based, of course, upon their recent experience with the King of England who, many thought, had violated the dignity and freedom of the people within the thirteen colonies.

The majority of citizens in the separate states delegated to elected representatives the authority to plan a government that would better serve the interests of all the people in the nation. These delegates, however, were not given the authority to adopt a new plan of government. A Constitution was written and submitted to the people for a vote. At this point there was much discussion, thought, and argument about the worth of the proposed Constitution. After this open discussion representatives with authority delegated to them from the people or their representatives voted "yes or "no" on whether each state and the people within the state would consent to this new Constitution. The Constitution provided that when nine of the thirteen states gave their consent, those states giving their consent would be bound by its authority.

This act of consent was given, and the American Constitution became then an important landmark in the history of mankind, largely because of its emphasis on explicitly limiting the power of government and protecting individual rights. The desire to obtain and use unlimited power has been a common tendency of political leaders, even those initially committed to democratic constitutional ideals. Most governments in the history of the world have probably not been restrained by the concept of constitutional democracy. The framers of the American Constitution recognized the necessity of placing limitations on political power, realizing also that the government required enough authority and power to deal with the pressing problems that faced the new country. They faced the challenge of creating a constitutional government which would reflect some reasonable balance between authority and restraint. In carrying out this task the framers of the Constitution were guided by a number of principles of governmental conduct which still guide us today. These principles are especially important because it is assumed that the government is one of the major institutions within society which may promote, sustain, or violate essential aspects of human dignity and rational consent. These guiding principles of government make many assumptions about what constitutes an appropriate definition of dignity and consent. Below we shall describe some of the most important of these principles, their relationship to our basic values, and note how they have been specifically included in the Constitution.

---

[8] Obviously any brief sketch of the process by which the American Constitution came to be written and ratified must be grossly oversimplified. While democratic idealism played a major part in this process, certainly economic issues as well as petty problems of personal vanity and power were also critical. This brief description is simply meant to illustrate one instance of how an "act of consent" might be given to the total consent process. We might have selected a simpler example, such as the Mayflower Compact, with less distortion and simplification. The United States Constitution, however, provides the legal basis for many of the problems on which our curriculum centers.

CHAPTER FOUR

PROCEDURAL PRINCIPLES OF AMERICAN GOVERNMENT

Introduction

We have presented two values which we think are at the heart of the liberal democratic society: human dignity and rational consent. We have also discussed the problem of protecting these values from abuse. The central governmental principle protecting these values, we stated, was democratic constitutionalism. Moreover, democratic constitutionalism, as we are here using the term, is more than a principle of government, it implies a set of procedures for deciding questions in a rational, intelligent, and humane way. It also depends upon certain assumptions about the nature of man himself, the most important of which are that he can be trained to restrain his own impulses in the interests of others, and that he will inevitably strive toward some degree of personal freedom and self-expression.

One of the great questions of history is whether or not these assumptions are borne out; whether man will in fact translate faith in his rational and humane qualities into specific instruments of government which can protect and promote these qualities.

In this chapter we hope to show how the specific provisions of our American government are based on general principles which derive their importance from a fundamental concern with the protection of individual human dignity. Although we dwell on the Federal Constitution as providing "scripture" through which we can demonstrate how these principles are presumably applied, it is important to understand that we can provide here only the most elementary exposure to the Constitution and its underlying principles. An adequate treatment would consider the history behind these principles as well as the more practical forces which mold their application in the day-to-day unfolding of political process. Nonetheless we feel that it is important to present the political ideals, and some notion of the instruments by which we hope to achieve them in uncluttered skeletal form so that the student has standards from which to judge the strength and the shortcomings of the men who manage the affairs of the community within this political framework.

It should also be pointed out, moreover, that while we are unequivocally committed to a firm, though deliberately vague, conception of human dignity and freedom, we are committed to the principles of American government only to the extent that they are a part of or instrumental to the maintenance of these more basic values. The United States Constitution, from our point of view, is not sacred. The goals it explicitly attempts to achieve are. It should also be understood that the principles set forth on the following pages neither exhaust the list of important principles of American constitutional government, nor are they mutually exclusive. In fact, they are closely interwoven and often the secondary meaning of one principle is the primary meaning of another. Regardless of the obvious difficulties this presents to one who wishes to enumerate such principles, an initial effort must be made before the debate over the exclusiveness or the relevancy of specific principles can begin.

Selected Principles of American Governmental Procedure

Rule of Law

The phrase "rule of law" refers to the proposition that the actions carried out with governmental power should be authorized by laws promulgated through established procedures instead of being dictated by personal whim or private ambition. Constitutionalism is, of course, a concept very close to rule of law and, as a matter of fact, represents one explicit form of rule of law. Insofar as there is an understanding between the people and the government as expressed in a constitution regarding the conditions under which power can be legitimately exercised by the government, the government is pledged to remain within these limits. The United States government with its written Constitution and officers who take it seriously is a government under law. It is interesting to note, for example, that our Constitution spells out not only areas for positive action by the Federal Government, but areas which shall not be infringed upon:

> "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." (Amendment 9)
>
> "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." (Amendment 10)

In this conception of government then, it is possible for the government, as well as the people, to violate the law. Such a governmental violation can take place when the government exercises power which has not been delegated to it under the Constitution, or when an official does not go through proper consent procedures before exercising power. For example, if the President of the United States sent American soldiers to war without the consent of Congress as required in the Constitution, this act might be termed unlawful or unconstitutional,[1] and in violation of the precept of rule of law.

Obviously the people can also violate those laws made under the powers delegated to the government. There are times, however, when it is difficult to know whether the government or the people (or which of two branches of government) is violating the law. For example, several southern states refuse to send white and colored students to the same public schools, even though the Supreme Court has reached the decision that under certain conditions such a refusal is unlawful or unconstitutional. Many people in the South maintain that the Supreme Court violated the Constitution by exercising power not delegated to it under the Constitution. Thus, while the rule of law principle can be defined clearly in general terms, it is often difficult to determine exactly when a law has been broken and by whom.

---

[1] Legally, of course, the final determination of the constitutionality of an act must wait upon court decision.

A second aspect of the meaning of rule of law refers specifically to the government's obligation to make general rules which apply to all citizens equally. Once a law is made each one is required to obey it no matter what his status or position: rich man, poor man, or government official.

The wording of a recent court decision on forced confessions clearly illustrates the principle:

> The abhorrence of society to the use of involuntary confessions does not turn alone on their inherent untrustworthiness. It also turns on the deep-rooted feeling that the police must obey the law while enforcing the law; that in the end life and liberty can be as much endangered from illegal methods used to convict those thought to be criminals as from the actual criminals themselves.[2]

While many provisions of the Federal Constitution reflect application of this aspect of the rule of law principle, e.g., setting up an explicit lawmaking body, restricting the power of the President to the administration of law, a number of specific Constitutional provisions clearly illustrate the principle. For example, Article I, section 9, paragraph 1 states that: "No bill of attainder or *ex post facto* law shall be passed." A bill of attainder is essentially a legislative decree which invades the citizen's right to a trial before the courts. An *ex post facto* law is a law which would allow a person to be punished for an act already committed, which, when committed, was legal. The *ex post facto* "law" clearly violates the spirit of rule of law, since, if such laws were allowed, one would never know when in fact he was acting legally or illegally. When laws are vague or sweeping the same principle would apply. Rule of law includes the idea that the citizen can have a clear idea of the limits of legal activity.

Equal Protection Under the Law

Equal protection under the law is commonly understood to mean that existing laws must be administered in a fair and impartial manner to all citizens. In this sense its meaning clearly overlaps with the concept of rule of law.

In another more inclusive sense equal protection of the law means that laws should not be made which extend special privileges or inflict special penalties on specific individuals or groups. Laws may in fact operate so as to confer privileges or inflict penalties on special groups, e.g., farm subsidies, but these actions must be justified in terms of the welfare of the whole community. The Supreme Court decided in 1954, for example, that state laws requiring whites and Negroes in the same school district to attend separate schools were treating the Negro as an inferior human being, and thus violated the principle of equal protection. The right to equal protection is guaranteed to citizens of all the States in the Constitution:

---

[2] Spano v. New York, 360 U. S. 315, 318 (1959). Quoted in Richard C. Connelly, "Police Authority and Practices," *Annals of the American Academy of Political and Social Science* CCCXXXIX (January, 1962), p.106.

> "....nor shall any State....deny to any person within its jurisdiction the equal protection of the laws." (Amendment 14)

Consent and Representation

The principle of consent means that citizens are allowed to participate at least indirectly in the governmental decisions which affect them. As we pointed out above, there are two levels of consent. We can give our consent or agree to specific decisions which might affect us; we can also consent to the process by which decisions will be made. The principle of consent applies to both situations. In our federal and state governments, with the thousands of decisions made each day, it would be impossible to poll all citizens on each decision. Yet we want the people to have some check, some say, about what decisions will be made. To resolve this problem of giving the people some say in government, yet giving the government effective power to deal with immediate problems, a consent process is provided which delegates to representatives the right to act for citizens. That is, since people cannot come together to use their final authority, they must choose directly or indirectly a smaller number of people to represent their wishes and interests -- representatives who pass laws, officers who enforce these laws, and judges who interpret the laws and decide how they will be applied. The major rules which tell what power is delegated to the government by the people and how this power can be exercised are found in the Constitution. Each decision made by the federal government, for example, is an exercise of authority granted under the Constitution. The Constitution and the history of its use which governs how it is applied and interpreted thus constitute a large part of the American consent process. It is this process to which the American people give their continuing consent.

The major procedures described in the Constitution which tell how the federal government is organized, what powers have been delegated to the government, and how citizens may assume the responsibility of public office and obtain consent for their actions are explained in detail in many social studies texts, including those in history, civics, and problems of American democracy. As one reads the Constitution and various interpretations of the Constitution, the structure and mechanics of government seem difficult and complicated. From our point of view, before one becomes enmeshed in the mechanics and complexities of the process, he should understand clearly the purpose behind the mechanics: to give people the right to have some say in the decisions which affect them. This includes the right to be asked from time to time whether the government is doing a satisfactory job; the right to be represented in government by people who will look after the best interests of the community; and the right to vote for those who represent us, or the right to vote for those who will choose people to represent us. These rights and privileges of citizenship in a democratic society are summarized by the term "the consent of the governed.

Due Process

We have now discussed three important principles of American government:

1. Rule of law: Making decisions in terms of general rules rather than by the personal decrees of officials.

2. Equal protection under the law: Making and applying laws for the benefit of all, rather than for the benefit of a privileged group.

3. Consent: The process by which the people can actively participate, at least indirectly, to influence the decisions of the government.

These principles are guides to the conduct of a government whose central concern is the protection of rational consent and the preservation of human dignity.

Another concept which runs through these three principles, but is so important that it must be stated as a precept in its own right, is due process. Due process of law refers to the prohibition of arbitrary action on the part of the government in depriving citizens of their life, liberty, or property. This principle of government has many applications. It includes, for example, such matters as proper notice of impending governmental action, restrictions on methods used in obtaining confessions, hearings before landtaking for governmental use, and restrictions on the use of legislative power to take away personal rights. It is, however, most commonly used and best illustrated in its application to law enforcement.

When the government accuses a person of breaking a law, there are at least three considerations which must be taken into account:

1. Is the government given the authority under the Constitution to make such a law?

2. Is the act which the government alleges was committed outlawed under the law?

3. Did the person really perform the act which the government claims is outlawed?

Let us take an example. Suppose Congress passes a law against publishing magazines which favor Communism. Joe Jones is arrested for publishing a magazine which states that the people in the Soviet Union have happier lives than do Americans. Three questions must be answered before we know whether Joe Jones is guilty of breaking the law.

1. Does Congress have the power under the Constitution to censor magazines which favor world Communism?

2. Is the statement about the Soviet people enjoying happier lives than Americans an example of "favoring world Communism"?

3. Did Joe Jones actually publish the magazine which made this statement?

Who is to decide these questions? In our system of government, this task falls largely upon the courts. The process the courts go through in deliberating and deciding these questions makes up one aspect of due process. For the courts then, it is a process which includes weighing evidence and interpreting the relationship between action and law, both constitutional and legislative.

While due process of law has been established to protect individuals from a government which may abuse its powers, it is also a basis for rationally identifying individuals who may abuse their freedom and harm the community. As applied to criminal trials, it includes a set of procedures in which reason, deliberation, and careful weighing of evidence are to be used by men in determining whether or not the accusation that one of their fellowmen has committed a crime is correct. The specific procedures that define due process in this context, therefore, are designed to protect both the community and the individual.

Due process for the federal government is defined mainly in Amendments Two, Five, and Six of the Constitution, as well as in the sections of the Constitution dealing with the privilege of habeas corpus, and protection from ex post facto laws and bills of attainder.

In the simplest language, the right to due process in a criminal trial means the right to a fair trial. The definition of "fair trial," however, has been spelled out very explicitly in the Constitution and in legal practice. The definition includes the following important points:

1. Evidence against the accused person must be legally obtained. The government cannot invade the privacy of a person's home to obtain evidence without a search warrant.

2. No person can be held for a crime unless a Grand Jury or a judge feels that there is enough evidence to justify a trial.

3. No person can be tried twice for the same crime.

4. No person can be forced to testify against himself.

5. Every person accused of a crime has the right to a speedy trial by an impartial or unbiased jury in the area where the crime was committed. This means that the government cannot hold someone in prison for an indefinite length of time before bringing him to trial.

6. The accused has a right to be informed of the specific crime of which he is accused.

7. The accused has a right to confront personally the witnesses who are accusing him.

8. The accused can require people to testify if he thinks their testimony might help him.

9. The accused has a right to a trained lawyer to help him defend himself.

While these provisions for a fair trial apply specifically to the federal courts, the constitutions of the several states have similar provisions. This is important since most crimes are actually tried in state courts.

Separation of Powers: Checks and Balances

The federal and state governments are separated into three branches, each with its own main function. In its simplest sense this means that the legislative branch makes laws to meet the needs of the community or country, the executive branch sees that the laws are carried out, the judicial branch determines whether or not the government has the delegated authority to make a law, and that the law is correctly interpreted and applied by the executive branch. Separation of power, however, is more than simply a way of dividing the work and responsibility of government. It is a method of restraining the power of the government and protecting the rights of the states and of individual citizens. It is a method of preventing the government from exercising powers that belong to the people, and which have not been delegated to the government. Each branch of government can check or restrain the other in certain ways. Following are illustrations of how various branches of the federal government check and balance each other:

1. The President can veto or refuse to sign a law passed by Congress. Congress is then required to pass the same law again by a 2/3 majority rather than by a simple majority if it wishes the law to become effective.

2. Congress can refuse to pass a law suggested by the President; or Congress can refuse to appropriate money needed to enforce a law which the President thinks ought to be enforced.

3. The Senate can refuse to approve appointments to federal office made by the President.

4. Once a law is passed by Congress and enforced by the President, the Courts can declare that the authority to make such a law has never been delegated to the Congress under the Constitution. Thus, the Courts can declare laws unconstitutional.

5. The President and Congress have some control over the membership of the Supreme Court as vacancies occur. The President appoints members of this Court with the consent of 2/3 of the Senate. If the Court disagrees with the other branches of government about

what powers have been delegated to the government, it is possible to change the view of the Court over time, by appointing men who would tend to agree with the President and Congress.

6. Aside from specific powers which are given to the Supreme Court under Article III in the Constitution, its most important powers are granted by Congress. In Article III the Constitution states that "In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make."

While there are many ways that the separation of powers tends to restrain the power of government, those above describe some of the more important ones. And of these, probably the most important is the separation of the judicial process from the power to make and enforce laws. The courts guard the citizen's right to due process and have the greatest responsibility for protecting each person from abuses of government. The legislative and executive branches tend to represent the most powerful groups in the community -- powerful in numbers, powerful in wealth, powerful in influence. These branches of government respond to the power and influence of those who can exercise it. The courts, on the other hand, deal with individual people, one at a time. Due process is given to each individual whose rights or privileges are threatened by the government or other private groups. The court then weighs the rights of the individual against the responsibility of the government to other individuals and to the community. The debate over the rights of the individual usually takes place in a quiet courtroom, not in the crowded corridors of a legislative hall. The debate should be, and usually is, carried on in an atmosphere of caution and deliberation. Probably the most basic guarantee of a free society which values human dignity and rational consent is the supporting and strengthening of due process and the independence of the Court which guards this basic principle of government.

Federalism

The United States Constitution provides for two different levels of government within a single nation. The federal government of the United States and the state governments which govern the affairs of the individual states. A system of government in which authority is divided constitutionally between a local and a central government is called a federal system.

The federal system was set up in the United States for many reasons. The framers of the Constitution feared that a single strong central government might threaten the rights of individuals in the same way that England had threatened the rights of the American Colonists before the Revolution. In our own history the citizen of each of the American colonies had developed a strong sense of loyalty to his own colony. Each colony had a considerable degree of self-government, even before the United States separated from England. Ever since this time the individual colonies and later the states have jealously guarded the right to govern many of their own affairs. Yet the Americans learned by bitter experience during the Revolution the high cost of a weak and ineffective central government.

The federal system is based on the assumption that the people in each state know best how to deal with local problems; but there are some problems affecting the whole nation which must be handled by a central government. Throughout the history of the United States there has been a persistent controversy about what problems were local and what problems were national. The growth of national groups, such as business corporations and labor unions, has changed many of our ideas about what problems should be handled locally.

Although the federal government has increased in importance over the last one hundred years, state governments are still a very important instrument of local control and local rule. Furthermore, the people's right to organize and run their own state government is guaranteed under the Constitution. It does, however, place some restrictions upon the authority state governments can exercise. Most of these restrictions are described in Article IV. For example:

1. The judicial proceedings carried on in one state are to be recognized as legal in other states.

2. The United States guarantees to every state a republican form of government.

3. The citizens of each state are entitled to the privileges of citizens of the several states. This means that each state is required to respect the privileges guaranteed to individuals by citizenship in other states.

The Constitution places other restrictions on state governments in the Amendments. For example:

1. Slavery is outlawed in the states. (13th Amendment).

2. No state can deprive a citizen of life, liberty, or property without due process of law. (14th Amendment).

3. No state can deprive a citizen of equal protection under the law. (14th Amendment).

4. No state can deprive a person of the right to be a citizen or the right to vote because of race. (15th Amendment).

5. No state can deprive a person of the right to vote because of sex. (19th Amendment).

It should be noted, however, that there are other democratic countries which value human dignity and rational consent fully as much as Americans, and which have preserved their way of life without a federal system of government.

England, for example, is such a country. Nevertheless, for many Americans, state citizenship is prized and valued as a symbol of local independence, and is considered necessary to protect the individual from a federal government which is anxious to take away more and more of his freedoms. For others, the federal principle, meaning the careful restriction of federal power and the preservation of states rights, is much less important since the revolution in transportation and communication that began some 100 years ago. These people assert that telephones and television, jet planes, and modern cars and highways make us all members of one closely knit community in which one state's problems are everyone's problems. Regardless of how one looks at federalism, however, it is a traditional value of American government which is intended to restrain both the federal and state governments, and in so doing, protect the rights of individuals.

Substantive Goals of American Democratic Government

We have now talked about the basic values which should, in our society, govern man's relationship to his neighbor, his community, and his nation. We have called these values human dignity and rational consent. We have said that each person is valued and respected, simply because he is an individual human being. We said that the principle which should guide men in settling their public disagreements is rational consent.

In our description of American government, we tried to illustrate how the procedural principles behind our governmental system have as one of their main purposes the protection of human freedom and dignity as well as the protection of rational consent as a process for dealing with conflicts and disagreements within the community. Democratic government and the principles which support the idea of constitutionalism all have this goal. But these principles say little about how to evaluate alternative actions that a government might consider in an effort to improve the community. Thus far we have talked mainly about methods of checking the possible abuses brought about by irresponsible members of the community or by an unrestrained or tyrannical government. Now we shall look at principles by which one might judge the worth of possible consequences of governmental actions designed specifically to improve the community. Probably the best statement of the positive purposes of our own government is presented in the Preamble of the Constitution:

> "We the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

Our own conception of the most salient points included within these values are elaborated briefly below.

Justice

To establish justice means to see that all of the people within the community are treated fairly. "Justice" or "fairness" is, of course, a vague term. Some people feel that it means much the same thing as equal protection under the law; laws should not be made which favor some groups over others. Others feel that the term has a broader definition, and refers to equal opportunity or an equal chance in life. Wherever one draws the line, the basic idea is that each person deserves a reasonable chance to develop his talents and to develop himself as a worthy and self-respecting individual. If the government is to "establish justice," it is required to see that some men are not so downtrodden and exploited by others that they never have a chance to deal with others as dignified human beings.

Domestic Tranquility and Common Defense

Both of these terms are related to a more basic idea: the preservation of peace and order within the community. To insure domestic tranquility means to prevent disorder and violence among our own citizens. To provide for the common defense means to prevent other nations or governments from injuring us, or restricting our rights. The Constitution attempts to carry out these objectives by giving states the right to have a militia, and the federal government the authority to support an armed force.

General Welfare

The term "general welfare" refers to the progress and welfare of the whole community or the whole nation. Welfare can be defined in many ways; certainly the very least it means is that individuals in the community should not want for the necessities of life and health. This suggests that the government has some responsibility for seeing to it that all Americans have a decent education, decent medical care, a decent standard of living, and an opportunity to do productive work. This does not mean, of course, that the government itself must provide these things to the people. It does mean, however, that the government has some responsibility for preventing major violations of these standards.

The Blessings of Liberty

The government cannot "give" people freedom. Freedom refers to the choices men make which are not forced upon them. Freedom may also mean choices made when one is free from the burden of simply maintaining life and health. People living in the midst of poverty and disease have a difficult time being "free." Insofar as the government can provide ways for men to resolve their differences through rational consent rather than force; insofar as the government can prevent some men and some groups from forcing others to do their bidding simply because of power or wealth; insofar as men can make free choices which are important to them, we help secure the blessings of freedom. For the government to secure the blessings of liberty also means that the government will restrain its own actions which might interfere with this free choice, and that it will restrain the actions of those who would irresponsibly coerce or restrict the choices of others.

The Constitution has provisions defining those freedoms which have special importance to Americans. These special freedoms include:

a. Freedom of expression: Amendment One of the Constitution places unqualified restrictions upon Congress regarding freedom of expression. It states:

> "Congress shall make no law....abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Also included in the First Amendment is freedom of religion.

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof....

The courts have interpreted broadly this restriction on government. They have said that the restrictions placed on Congress under the First Amendment also apply to the states under Amendment Fourteen.

b. Private property rights: The right to own and control property is a very important freedom. The value of property is often the result of one's talent, ingenuity, and hard work. In this sense, property can be considered a part of the individual. Private property rights are supported in a number of places in the Constitution. Amendment Four states that

> "The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized."

The privacy guaranteed in the Fourth Amendment depends upon the right to own or control private property. Property is often thought of as land, money, or goods of some sort. Closely associated with the control of private property is the right to make agreements or contracts with others. A man's right to sell his services to another, his right to sell his land or his house to another: these are contract rights guaranteed under the law.

The rights of property and contract are specifically guaranteed in Amendments Five and Fourteen, which state that no one can

> "be deprived of life, liberty, or property without due process of law."

Amendment Five also states that the Government cannot take away private property for public use without paying a fair price:

> "....nor shall private property be taken for public use, without just compensation."

Government regulation of the "blessings of liberty." Personal freedoms are not unconditionally guaranteed. One cannot freely speak into a loudspeaker which blares into his neighbor's window at 2:00 o'clock in the morning. One cannot justifiably yell "fire" in a crowded theater unless there is a fire. One cannot legally practice a religion which advocates not paying taxes. One cannot legally operate a factory which blows poisonous fumes into private homes. Personal freedoms are obviously limited by considerations of the rights of others and the rights of the whole community. The great problem of a society committed to the value of free choice is deciding where to draw the line between personal freedom and community welfare. To restrict freedom simply to please the whims of government or the majority of people is an unreasonable invasion of freedom. To guarantee a right which may threaten the health or safety of the whole community is foolish. The main purpose of our discourse here is to provide a framework within which we can handle this basic problem of defining the legitimate exercise of free choice, and the legitimate exercise of government regulation.

Ethical Principles Underlying the Analysis of Controversy in a Democratic Society. A Summary:

In dealing with problems of public conflict and controversy, the American nation has both inherited and developed a tradition that government and law should be the outgrowth of public debate. Important to this tradition are two values: the value placed on the dignity and worth of each individual, and the value placed on the use of reason, persuasion, and mutual agreement as an approach to the resolution of differences among people who define differently human dignity and the conditions that promote it. From our point of view, a major goal of the society is to develop a public awareness that these basic values should be respected and applied as standards for making public policy. One way of working toward this goal is to commit ourselves to these general values in terms of the more specific concepts in which they have traditionally been set forth. But identifying and committing oneself to these values as an individual citizen is not enough to ensure that they be taken seriously as the operative values of the community. The political institutions of the community must operate in a way consistent with these values. The framers of the American Constitution and their successors tried to construct a government the procedures of which are to some extent defined and restricted by important principles closely related to these values. These principles have been described in such terms as rule of law, rule by consent, equal protection under the law, due process, separation of powers, and federalism, and states rights. These governmental principles are important to most of us because we believe they protect the more basic values of the society: personal liberty, justice, peace, and community welfare. We assume that if we violate the governmental principles which support these basic social values, we tend to endanger the values themselves. For example, if the government were to cast aside the restraints imposed by the notion of rule of law, we might endanger the most fundamental of personal liberties such as freedom of speech and assembly. We therefore assume that basic social values depend upon a government committed to certain procedural principles. We might well question whether each or all of these governmental principles promote the more basic values. In our present framework we have generally accepted the assumption that the violation of any of these governmental principles is cause for concern. But we should be careful to use in our final judgment of a controversial issue the more basic values. For it is from these basic values that the governmental principles gain their importance and significance.

An Epilogue: Some Qualifications

The ethical basis of what might be called the American democratic "myth" presented above is little more than the systematic selection of Jeffersonian principles, which were clearly conditioned by the facts of life existing in the latter half of the eighteenth century. Many of these facts of life have long since passed on. Below we shall present briefly certain qualifications one should bear in mind as a result of the more important of these changes.

1. The early conceptualization of the American democratic system grossly underestimated the importance of national political factions and parties as an integral part of the consent process. It is dishonest, if not dangerous, to present to the student the principles outlined above as an image of the way things "turned out to be." The concepts of government listed above which were built into the American political structure are better thought of as evaluative principles by which political controversy can more clearly be described and debated, they are by no means necessarily the most important considerations which might allow one to make accurate predictions regarding what specific political decisions will in fact be made. Personal vanity, exigencies of time, and political expediency, among other things, undoubtedly play a major part in what individual citizens and the government actually decide to do. We feel, however, that a concern for the realities of political process should not undermine the higher ethical impulse to ground one's political actions in the ideals by which both the process and the substantive decision might be judged. From our own point of view, we want to encourage the citizen to develop a reasoned position with respect to public controversy within the framework described by these principles. The extent to which factors such as vanity, personal friendship, private greed, and expediency influence political decisions should become apparent to the citizen as he studies real issues and the real people who must make decisions. Although it was clearly not within the scope of our study, we feel it both important and useful to give considerable systematic treatment to the concepts and generalizations which describe the political process in action. The reader should not assume, therefore, that this omission in our work reflects any bias against the importance of studying political process. It means simply that, given limits of time and resources, one must establish priorities. We chose to develop a model based largely on ethical considerations and teach students to apply this model to selected national political controversies. The student is then restricted to an evaluation of the merits of alternative solutions to specific problems within the limits set up by the model. He is not prepared to face the problem of how to implement any political decision he might make. We have avoided simply for strategic reasons teaching about the practical problems of transforming decision into action, proposal into law.

2. The general position outlined above does not deal with the question of what framework to use in dealing with political controversy when one or more parties in the dispute operate from a different ethical base. The most critical problems today are, in fact, of this nature. The United States as a community must work out problems with other communities which have rejected basic elements in the liberal Western political tradition, either in the form of fascism (Spain), or in the form of state socialism (Russia). It must deal with nascent communities which never participated in the development of the political, economic, and intellectual basis of the liberal Western democracy, e.g., Nigeria, Ghana, Congo. It must also deal with countries which

are conglomerates of the Western political and ethical traditions, but which have proud, indigenous, ethical traditions, e.g., India.

Developing a frame of reference which will place the Western political tradition within a broader and more comprehensive world framework is clearly outside the scope of this work. Such a position would force us to make far more controversial statements than anything said thus far and thus require lengthy justification. We would obviously be inclined toward extending certain basic principles of democratic government, e.g., constitutionalism and rule of law, to the world. But how to do this in a world where hunger, oppression, fear and suspicion prevent us from making any progress beyond the institution of a United Nations and where the use of force for the solution of fundamental international disagreements is unthinkable poses for us an almost impossible question. It is, nevertheless, a question which must be faced by social studies teachers. For some ethical position consistent with the basic values of our own society must be defined and applied. Our own tentative approach to this problem would include the support of any actions which would strengthen constitutional governments within other nations, and which would strengthen the rule of law as a guiding principle in international relations. We realize that this policy is difficult to apply to specific situations, because of the problem of defining those conditions which are instrumental toward the development of rule of law on a national or international basis. On a national basis, for example, it may be that a nation must have a high degree of literacy, intelligent leadership, and a standard of living well above subsistence before a constitutional government is even feasible. The United States might thus choose to help non-democratic countries achieve these preconditions of a democratic society. It should be clear that we are not suggesting such a stand; we are explicating the difficulty of applying the policy.

We would add that it very well might be that the students' ability to deal with domestic problems within an explicit ethical and legal framework will help him deal with international issues more intelligently. It might do this in at least two ways. First, by teaching the student to distinguish essential ethical commitments from superficial custom within our own society, he may well be able to make the same judgments regarding other nations. (The fact that the Soviet Union places severe restrictions on free speech and the organization of voluntary groups is greater cause for concern than the fact that their national sport is not baseball or football). Second, by describing the ethical basis of our own governmental system, the student is introduced to the general subject of political philosophy, a much neglected subject in the social studies. Since ultimately, the international struggle is going to be decided in the minds of individual human beings, the more politically sophisticated our own citizens become, the more intelligent and humane will be their ideological choices. In this connection we might comment on the much discussed topic "teaching about Communism." Teaching an explicit doctrine of hate and suspicion, we feel, is inconsistent with the essential basis of our own tradition -- the concept of human dignity and rational consent. And it is this doctrine which is apparently at the bottom of much of the "teaching about Communism" movement.[3] If we must surrender our basic commitment to human dignity -- and to the idea that all men are human -- in order to survive as a nation, survival, at this cost, may not be worth the price.

3. The third question worth raising regarding the political-ethical concepts presented above is the extent to which these concepts are still appropriate in a society which has been so dramatically transformed in the years since the initial conceptualization of that government. Lindsay frames the question as follows:

> In the early nineteenth-century democracy, i.e. the democracies of the United States and Switzerland, where society being mainly agricultural was naturally democratic, there was little need for any functions of government except the function of keeping order. A naturally democratic society had to be protected from violence from within and without. "Administrative nihilism plus the policeman" was an exaggerated but not hopelessly false description of the government required for such a society. The Industrial Revolution has entirely altered the situation. If government is to serve the community, and to help to make it more of a community, it has to take on, as it has taken on, all kinds of more positive and constructive functions. If it is true to say that the purpose of organized force is society, there is no such clear line to be drawn between the many other voluntary associations. There is a corresponding approach in the methods by which a government department performs these functions to the methods followed by voluntary associations. Compulsion fades into the background: consultation and deliberation take its place. With this difference in the methods by which government performs its functions may go a corresponding difference in the methods of democratic control.[4]

Lindsay's statement of the dramatic change in the role of government from watchdog to participant in the life of the community is now a fact; the problems of establishing corresponding changes in democratic control, however, still face us. Implicit in Lindsay's thesis is the notion that the relationship between the individual and the government might change, but the importance of the individual would not diminish even though the importance of the voluntary group might. This assumption is seriously questioned today. A recent statement by Arthur S. Miller, bearing on this specific point, is worth quoting at length:

---

[3] One example may illustrate our point. The book, The Profile of Communism (New York: Anti-Defamation League, 1951) distributed by the Anti-Defamation League, decidedly not a conservative or right wing group, begins as follows: "What is Communism? It is an integrated, centralized, world-wide movement, motivated by the Marxist-Leninist ideology, propelled by the apparatus of the supranational Communist Party, abetted by the Party's auxiliaries, powered and directed by the ruling hierarchy of the Communist Party and dictatorial government of the Union of Soviet Socialist Republics." (p. 3). Aside from this gross oversimplification, part of the statement is highly questionable on factual grounds: For example, is the movement so integrated and centralized? Such questionable and oversimplified statements, we feel, stem from and feed on a paranoia which is already interfering with the American's more humane and rational impulses.

[4] A. D. Lindsay, The Modern Democratic State (London: Oxford University Press, 1943), p. 286.

> 1. Power (as formal authority) is divided spatially (the federal system) and functionally (separation of powers).
>
> 2. The formal allocation of power in the Constitution relates only to political decisions. The other important decisions, of which those of an economic nature are of particular significance, are not dealt with in express terms.
>
> 3. The twentieth century has witnessed the growth of large semi-autonomous economic organizations, called by Peter Drucker the "industrial enterprise" and by Adolf Berle the "corporate concentrate," which are the basic units of economic federalism. The name used here for these organizations is the "factory community."
>
> 4. While orthodox theory and consitutional doctrine presupposed only two entities -- the State and the individual person -- it is now widely believed that the isolated individual does not exist as such and that he is significant only as a member of a group. In addition to the large corporate enterprise, which includes both the managerial class and the labor union, the new groups include farm organizations, veteran's associations, and charitable foundations, among others.
>
> 5. Assuming that real power is formal authority conjoined with effective control, it can be said that no one person or one group, however large or comprehensive -- including the State -- exercises real power over any area of decision. Real power is diffused, shared by a congeries of groups including the State, which is probably merely the most powerful, but not necessarily the dominant, group.
>
> 6. Given this wide dispersion of power, it is important to have an arbiter among the power-wielders. Relative priorities must be assigned to the various demands, and hierarchies among the groups must be determined. This may well be the major role that the State plays in the American system today.
>
> 7. During the nineteenth and early twentieth centuries, when the negative "watchguard" theory of governmental action prevailed, the United States Supreme Court was the principal organ of State power. Umpiring the system of formal federalism and providing a nexus between our fundamental law and our

> fundamental economic institutions," it formulated final policy in matters relating to political economy. Today, the Supreme Court apparently shares control of this job with Congress and the bureaucracy.
>
> 8. The urgent problems for constitutional law and theory today are the relationship of the State and the individual to the other centers of power within the nation, and the relationship of the United States to the remainder of the world.[5]

Here we can do little more than state the problem, posed in many different contexts by Reisman, Drucker, Mill, Berle, and others. The nation has always been conceived as a community of smaller communities. A critical question now is: What is the nature of these smaller communities and the relationship between them and the individual? Is the individual so pigeonholed and restricted in the economic structure that there is little room for meaningful decision in the social, cultural and political realms? The appropriateness of our political principles and instruments, as we have stated before, depends on their ability to support a pluralistic society in which the basic values of dignity and freedom can survive, and in which rational dissent is broadly tolerated. To the extent that social scientists can demonstrate that existing political instruments allow these more basic values to erode, we must rethink the principles and modify them or invent new ones to take their place.

---

[5] Arthur S. Miller, "Private Governments and the Constitution," An occasional paper on the role of the corporation in the free society. (Santa Barbara California: Center for the Study of Democratic Institutions, 1959), p. 4.

CHAPTER FIVE

SELECTED ANALYTIC CONCEPTS FOR THE CLARIFICATION OF PUBLIC CONTROVERSY

Introduction

Up to this point it sounds as if problems involving human conflict in a democracy were easily resolved. Two people or two groups within a community have an argument over a public issue. Each takes a different position. Who is right? We find out which person is basing his argument on an important value or upon a governmental principle which supports the value. Whoever can rationalize his position in terms of a supporting principle must be right the other person must be wrong.

There are obviously a number of difficulties with this approach:

(1) Most problems which affect the welfare of the American community have more than one reasonable position, each of which can be supported by important social values.

(2) Claiming that a position is supported by an important value or that a position violates some value does not necessarily make the claim true. Such claims must be examined to see exactly how the problem situation is described, and the extent to which the description is accurate. Often precise descriptions are not available, so one has difficulty judging the extent to which a value has in fact been violated or is upheld.

(3) Even when all the facts are clear, people often use words which describe or label values and value-loaded situations differently. Terms such as, "adequate education" and "equal protection," may mean different things to different people, although all may be committed to whatever values are described by these labels.

There are, then, a number of problems we are likely to encounter in analyzing political controversies in our community and nation. One problem involves deciding which values or legal principles are in conflict. A second problem involves clarifying the facts around which the conflict has developed. A third problem involves clarifying the meanings or uses of words which describe the controversy. As we shall see, there are different strategies for dealing with these different problems. It is important, therefore, to distinguish a value problem from a factual problem, and a factual problem from a definitional problem. Dealing with political issues usually means resolving disagreements in all these areas. Perhaps we can best illustrate these points by looking at a concrete case.

The Sidewalk Speech

On a raw, windy afternoon in March, a hot-headed, earnest young student named Barry Schwartz was making a speech to a crowd in a small shopping area. The street was in a Negro neighborhood in Poughkeepsie, New York. Schwartz stood on a large wooden box on the sidewalk and shouted at the crowd in a high-pitched voice through a loudspeaker system attached to an automobile. He waved his arms, stamped his feet, and once in a while smacked a fist in his palm. He wanted to publicize a meeting of the Young Progressives of America that was to be held that evening. Among other things, Schwartz said,

"Mayor Byer of this city is a champagne-sipping bum; he doesn't care who crushes the Negro people."

"President Truman is a bum."

"The Legion of American Veterans is a Nazi Gestapo."

"The Negroes don't have equal rights; they should rise up in arms and fight for their rights."

The crowd listening to Schwartz numbered 75 or 80 people, both Negro and white. It filled the sidewalk and spread out into the street. The people were restless. There was some pushing, shoving, and milling around. Some men picked up bricks and threatened to throw them at Schwartz. Lincoln Frost, who owned a nearby store, was afraid for his plate glass windows, so he phoned the police.

Lieutenant Collins and Sergeant Davis drove up in a squad car to investigate. For a while they just sat in the car and watched. Then one of the women onlookers who thought Schwartz should get a chance came over and said, "What's the matter? You scared? Can't you cops make people behave right?" A big, muscular man nearby turned around and said, "If you cops don't get that guy off his orange crate in two minutes, I'll shove it down his throat." Then he shoved into the crowd until he was very close to Schwartz.

Lieutenant Collins pushed his way after him through the crowd and asked Schwartz to break up the crowd "to prevent it from resulting in a fight." He repeated the suggestion several times. Each time Schwartz ignored the policeman and went on talking. During all this time the crowd was pressing closer around Lieutenant Collins and Schwartz. The muscular man began urging the men near him to "Get Schwartz." Finally, Collins told Schwartz he'd have to arrest him for his own safety, and ordered him to get down from the box.

Schwartz got off the box, but as Collins took him through the crowd to the squad car, he shouted "What's happened to free speech in this country? I've got a right to say what I think even if the big-wigs don't like it. I've got a right to talk even if some bigots standing around here want me to shut up."

Schwartz was tried and convicted of disorderly conduct and sentenced to thirty days in the county jail. Schwartz appealed the conviction because he said it took away his rights under the First and Fourteenth Amendments of the American Constitution.

* * *

In the "Sidewalk Speech" we can ask a number of important questions in our attempt to clarify the problem. We might ask: Are there any important values being violated? Barry Schwartz claims his freedom of speech is abridged. The Poughkeepsie police claim that the peace and order of the neighborhood is threatened. Clearly, there is a conflict over important values. A second question we might ask: Is there any legal basis to support these values? Does the violation of a value in these circumstances also violate a law? And even more important: Does the government have the power under the Constitution to make the law which has allegedly been violated? In this particular case, we can ask: Is there any Constitutional protection for freedom of speech? The answer is clear, as Barry Schwartz points out, in the First and Fourteenth Amendments. We might also ask: Does the community have the authority to make laws prohibiting disorderly conduct? Again the answer is clearly yes. We now have a conflict not only between values, but also between laws which are designed to protect these values. Although we know that Constitutional law is supreme, we also know that the First Amendment does not necessarily protect people from unreasonable use of free speech. A third question now arises, assuming that we want to protect peace and order. How is order to be preserved? We can do this by arresting the speaker or by restraining those men who threaten the speaker with violence. Which course of action we take depends to a large degree on how we define "reasonable" use of free speech.

This is both a definitional problem and a value problem -- the reasonable use of free speech is good; the unreasonable use of free speech is bad. Moreover, the answer to this question is closely related to an important factual issue: What is a clear and accurate description of the problem situation? The relevant factual questions in the "Sidewalk Speech" center on how much violence there actually was, and to what extent there was an immediate threat of more violence. In this connection, the following factual questions might be important.

How large was the crowd?

To what extent did the crowd obstruct traffic or pedestrians?

To what extent was there "pushing, shoving, and milling around?"

How many people actually threatened Schwartz?

How serious were their intentions?

How many policemen were available to keep order?

It is also important to investigate these facts to assure ourselves of the extent to which the facts we can accumulate are clear and specific. For example, the word "crowd" is not as precise a description of the number of people listening to Schwartz as "75 or 80 people." Regarding the statement "some men picked up bricks and threatened to throw them" we might ask how many is "some?"

Analyzing a case such as the "Sidewalk Speech" is a complicated business. We must identify the different kinds of problems involved: value conflicts, legal and Constitutional problems, factual problems, problems regarding the interpretation or definition of value, and problems regarding the definition of terms used in the factual description. While this process of analysis is a creative endeavor, and will be done differently by different individuals, there are, we believe, concepts which might be useful as general guidelines to everyone. The sections which follow will lay out some of these guidelines.

Analyzing Three Types of Disagreement and Strategies for Their Resolution

It is important to note at the beginning of this chapter that although we often will discuss controversies over definition, value, and fact as though they were different and distinct types of problems, they are closely related. Our purpose in this section is to describe certain important distinctions between these types of problems and the different strategies for dealing with them. In Chapter Six we will try to show the interrelationships among these problems as one attempts to deal with complex social issues.

Definitional Problems

One of the basic problems in discussions of public controversy involves the ambiguous or confusing use of words or symbols. It is important, therefore, that words have reasonable commonality of meaning for those involved in a discussion. Without such common understanding, discussions are likely to be frustrating, fruitless, or even needless.

There are two important aspects of defining or describing how words are to be used. The first is ascertaining how a word is actually being used in the discussion, i.e., what meaning does it have for the participants. The second is the problem of determining what the most useful definition of a word is when it becomes clear that there is a disagreement over its meaning. Also related to the problem of definition, and an important element of it, is the issue of classification. Arguments over classification, for example, can often be settled or moved along by careful definition of the class name.

Two types of definition. In clarifying and resolving definitional disputes it is probably useful to distinguish between two types of definitional operation: defining by example and defining by the use of general criteria. Suppose, for example, that a creature from another planet landed in our backyard and there were severe problems of communication. If it appeared to be an intelligent and ambitious creature and could speak, we might want to talk to it. As a start we might point to ourselves and say, "man" (or "woman") and then point to it and say "creature." In this way we might quickly reach some common understanding of what to call or label each other. With a little practice, the creature could probably look at any adult male human and say, "man." The point is simply that we commonly learn what labels to attach to many objects and events in the world by observing the names attributed to them by others. Someone at some time, for example, looked at a striped horse-like animal and called it "zebra." Now if someone asked you, "What is a zebra?", the simplest way to explain what you meant by the term (assuming the presence of a zebra or a picture of a zebra) would be to point at a zebra and say, "That's a zebra." Communicating what is meant by a term through pointing at or enumerating examples of persons, objects, actions, or any specific referent might be called a "pointing definition" or definition by example.

Although it is possible to create or "invent" a word-referent relationship (scientists and advertisers do it all the time), the fact is that most of us communicate with labels which are learned within a highly structured cultural framework, and which are intricately woven into a complex system of meaning. When we try to define by citing examples, therefore, we are very likely relating the example to an implied system of classification. Thus the effort to define one word usually involves us in the clarification of class names, and soon evolves into a question of distinguishing between two classes which overlap in meaning. It is in these situations that general criteria by which a class can be defined are ordinarily summoned to clarify or resolve definitional disagreement.

To illustrate the development of such a disagreement we might look at the following example. Suppose we defined "democratic country" by referring to examples such as the United States, the United Kingdom, France, and Belgium. A fellow discussant, however, raises the question of why we include Belgium and do not include the Soviet Union. We reply that the answer is simple: Belgium is a democratic country and the Soviet Union is not. He disagrees, claiming that the Soviet Union is a democracy and Belgium is an empirial dictatorship. At this point, the pointing definition has broken down.

In order to determine more precisely how we are disagreeing over the term, "democratic country," we may list specific characteristics, or *criteria*, that distinguish those countries we consider democratic from those we consider non-democratic. For example, we may state that a democratic country is one which: (1) has a constitution that provides certain basic rights for all the people; and (2) elects directly or indirectly the major officers of government. Such an attempt to delineate the appropriate uses of a word by listing the distinguishing characteristics or criteria of its referents, we may call a *criterial definition*.

The resolution of definitional disagreements. The initial problem, of course, is determining whether or not a term is being used in a discussion in more than one way, and second, how a common meaning can be established for the participants of the discussion. This is a matter of inquiry dealing with the *facts of meaning* for the individuals involved. The problem usually boils down to a matter of determining what shall be the "correct" usage of a word. In definitional disagreements, it is important to remember first that the "correct" relationship between a label or term and the thing for which it stands is a matter of convention. There is no "natural" relationship between a word and its referent. Using the word "boy" to label young male humans and "girls" to label young female humans, for example, is simply a matter of convention based on the need for common symbolic meaning if communication is to take place. We could just as well change the convention, reverse the terms, and call a young male human a "girl" and a young female human a "boy." (This, of course, assumes agreement plus adequate dissemination of the change so that confusion would not result. It also ignores the fact that people become emotionally attached to symbol-referent relationships, tend to see them as real, and resist usages which are "unnatural," i.e., unfamiliar.) What the example does point up is that a definition can be changed whenever people can be persuaded that a different example, in the case of a pointing definition, or a different set of criteria would appropriately define the word.

Since convention is the basis for definition, one approach to definitional controversy is an appeal to popular or common usage. This may entail research designed to find out how most people use the word. However, most people have neither the time nor resources to engage in such projects, so the dictionary is used to fill the gap as an authoritative statement of word usage. If the definition found there serves as a common ground for discussion, the purpose is fulfilled. However, one must be cautious not to assume that all people will use the word as it is defined in the dictionary. Dictionary definitions are soon outdated. Moreover, they sometimes do not contain words which have been in usage a relatively short period of time. Or, dictionary definitions may be inadequate because they are only exemplary or pointing in character, because they are circular, or because they are not complete or specific enough to meet the needs of the particular argument.

To meet the problems arising from deficiencies in dictionaries, stipulation is often used to resolve definitional problems. The discussants spell out, or stipulate, the meaning which the word is to have in their discussion, preferably by listing agreed upon criteria. Here again, the danger is that the assumption will be made that the definition is adequate outside of the specific discussional context, which, in fact, it might be. It is also essential to keep the criteria in mind as the discussion progresses because definitions can shift very subtly and imperceptibly.

The use of stipulation may well involve the process of translation for some discussants. If, for example, it is agreed or stipulated that for the purposes of discussion an essential criterion of the term "democratic society" is a society in which there is public ownership of property, any participant who is not accustomed to using the word in this way must translate "democracy" to encompass this meaning whenever the word is used in this particular discussion. It is easy to see how a shift in the standards of translation could result in confusion or misunderstanding.

Perhaps the most important problem in resolving definitional disputes occurs when there is disagreement over classification. Let's look again at the case of the "democratic country." Two criteria were stated having to do with the existence of a constitution and the election of officials. We have suggested that recourse to convention or stipulation is in order if there is disagreement over the correctness or adequacy of these criteria. But suppose that there is agreement that these criteria are sufficient for the term "democratic country." One participant still insists that the Soviet Union is indeed a democratic country, i.e., should be classified as a democratic country, because it has a constitution and elections. To this claim the reply might well be: "In the Soviet Union there is a constitution, but it does not in fact restrain the government and prevent it from trampling on important rights of the people, there are elections but they are "rigged" by the government and do not in fact allow the people to freely express their will." These claims require us to give our criteria greater specificity. A democratic country is one which: (1) has a constitution that guarantees important rights to all the people and which is respected and obeyed by the government; and, (2) has elections in which the people can express their wishes freely without fear of intimidation. Before actually getting to the problem of determining whether or not the Soviet Union conforms to these criteria, we may yet have to define key terms and phrases such as "respect for basic rights" and "free elections." This process of definition involves specifying the criteria which define the class, determining whether or not references commonly included in the class conform to the criteria, and therefore whether or not the criteria are useful and adequate. The next problem of classification, once the category definitions are agreed upon, is to determine whether the controversial referent in our example, the Soviet Union, has the characteristics implied by the class. And this is fundamentally a matter of testing factual claims; in this case gathering evidence to determine whether or not in fact constitutional restraints and "free elections" are part of the Soviet Union's political system.

Ideological or ethical class names in political controversy. One of the major difficulties in discussing broad public issues is the extent that we use labels or terms which stand for broad political or ideological positions. For example, we can place the following situations in a single value class.

A strong boy fighting with a weak boy.

A teacher keeping one boy after school and not keeping another boy after school, when both boys were caught breaking the same rule.

One man is allowed to vote; a second is not allowed to vote, when both have the same qualifications.

Two men make the same amount of money, one pays half of it in taxes; the other pays a quarter of it in taxes.

All of these situations can be described as violating one value position -- equal treatment. We have classed a number of situations together because they evidence one characteristic: inequality. This process of putting objects or events into broad value classes and giving them a common label goes on all the time and is apparently a necessary element of political debate. As we have pointed out, however, it is not so natural to consider carefully the criteria by which we decide to include some objects or events in a class and exclude others.

The use of class names is especially dangerous in leading us toward hasty generalizations. We may see a man giving a speech criticizing the United States and classify him as "red" or Communist. Putting him in this class means that we will make certain assumptions about many of his political views. If this is all the information from which we made the classification, we may have been jumping to many unwarranted conclusions. General terms such as "Communist," which are common in political arguments, are difficult to define, and are often used for their emotional appeal rather than to convey a specific message. We often hear terms such as conservative, reactionary, liberal, left-wing, subversive, yet we rarely hear a careful definition of these terms.

We might define a Communist, for example, as one who:

(a) believes in the teachings of Karl Marx

(b) goes to Communist Party meetings

(c) works for world domination by Russia, China, or any other country friendly to Russia and China

If these were our criteria, a person would have to meet all three to be classified as a Communist. The fact that a person believed in the teachings of Karl Marx would not allow us to classify him as a Communist. We might call him a Marxist, but not a Communist. The fact that someone had gone to Communist Party meetings would not give us sufficient information to classify him as a Communist. An FBI undercover agent or a curious college student might go to meetings of the Communist Party.

"Liberal" is another example of an ambiguous term commonly used in politics. Some men are described as liberals because they believe that the federal government should take greater leadership and spend more money to improve the general welfare of the people in all the states: better education, more dams for public power, public aid to people for medical care. Others are called liberals because of their strong commitment to civil liberties for minority groups: voting rights for Negroes, the right of free speech for Communists. The label thus has two quite different meanings. How do we then classify a person who believes in greater federal leadership in welfare spending, but who expresses no concern about the loss of civil liberties by minority groups?

The emotional component of words. One of the most widely discussed aspects of controversy analysis is the emotional impact of language. A sample of the literature on this subject is instructive. The following remarks are taken from *How Do You Talk About People*, by Irving Lee:

> A story is told about the way a Greek communist newspaper reported some remarks of Paul Porter, made at a banquet in Macedonia while on an economic mission. He said, "It is indeed a pleasure to be here tonight with you good citizens of Greece. You Greeks and we Americans have very much in common. We like to eat. We like to drink. And we like to sit around and talk." The newspaper said, "Ambassador Porter said that we are just like the Americans, gluttons, drunkards, and gossips."
>
> It is one of the commonplaces of studies in semantics that a number of words may refer to the same thing though each may imply strikingly different attitudes to it. As Sam Weller said, "When a poor fellow takes a piece of goods from a shop, it is called theft, but if a wealthy lady does the same thing it is called monomania." It has been recently observed that "the rich are alcoholics and the poor are drunks." We learn rather quickly to reserve some words for use when things are considered pleasant and desirable and others for the contrary. If you wished to express approval of someone would you not be likely to choose the former of the following pairs? Strength of purpose -- pigheadedness, generous -- spendthrift, zealot -- fanatic, patriot -- chauvinist, progressive --

> new-fangled, supporter of free enterprise -- capitalist.
>
> A language will include terms which can point to things as well as convey the speaker's attitude toward them. This is relevant to our concern with evaluation, because so many people seem prone to judge others in accordance with the attitudes which accompany the words they apply to them. They not only choose words which by custom come to reflect their positive or negative notions but they are in turn influenced to look at people or things in terms of the notions implied by the terms which are used.[1]

The point is simply that political terms have strong emotional loadings, and are especially difficult to define and use. When we are faced with such words in a discussion, we should remember to keep our thoughts on the accuracy of the description or criteria which define the words, not on the feelings which the word may summon.

Summary

In this section we discussed definitional problems and the problem of communication in a political controversy. We noted first that it is essential to determine whether the same words have different meanings for participants involved in a discussion, and whether different words are actually being used to suggest the same referent. If we suspect that a disagreement has a definitional basis, communication can be clarified either by determining how the word is commonly used -- i.e., what the social conventions are, or by stipulating the meaning which is to be applied to the word for the purposes of this specific discussion. A second and related type of problem often occurs during controversies over public policy. This involves disagreement about the proper classification of an object, action, or person. The resolution of such arguments over classification may entail one or more of the following steps: (1) Determining what the proper class definition shall be if there is disagreement over the appropriateness or relevance of one or more of the criteria, (2) Greater specification if it is found that there is disagreement or confusion over the meanings of specific words used in the criteria; or, (3) Inquiry into the factual description of the particular example being classified to determine whether its characteristics meet appropriate criteria.

It was also noted that because political labels are frequently used loosely, it is necessary to be alert to their ambiguity and vagueness, especially when the label carries a strong emotional loading which will affect our attitudes toward the object being classified.

---

[1] Irving Lee, How Do You Talk About People (New York: Anti-Defamation League of B'nai B;rith, 1956), p. 18.

Value Problems[2]

The act of valuing involves classifying objects or actions as "good" or "bad," "right" or "wrong." We will call "values" those actions or objects that are valued. When we say "due process" is a value, we mean that we feel that actions or procedures labeled "due process" are good.

Personal preferences, aesthetic judgments, and social values. Suppose we noted the following terms:

-the music of Beethoven

-blue neckties

-equal voting rights

If these terms are considered values, the phrase "is good" or "are good" is implied after each term. Intuitively we can see that there is something quite different about asserting that blue neckties are good and equal voting rights are good. Probably the most useful way to describe the distinction is in terms of the number of people our value judgment may affect, and the extent to which each may be affected. It is difficult to imagine any severe injury coming about to the community if people do not value blue neckties. This is not the case with such values as free speech, voting rights, medical care or educational opportunity.

Values which we feel are not general or significant enough to become the subject of general community or governmental concern, we will call personal preferences. We will not deal with the problem of controversy over personal preference here. (This is not to suggest that liking blonds rather than brunettes is not important. It is simply that such preferences are just as well left as private matters.)

Values which involve artistic taste will also not be included in this course. Again, these values are important to individuals. Unlike personal preferences, however, they are often the subject of wide discussion and social controversies over aesthetic or artistic taste.

The values with which we will be mainly concerned, then, are those political and social values such as personal freedom, equality and justice, general welfare, and peace and order which we discussed earlier. As we have already noted, we feel these values are appropriate for discussion in a public school because they are the major social values used by our government and private groups to justify public policies and decisions.

---

[2] We have already talked a great deal about value problems, so the statements in this section are, in part, summaries of what has already been said.

Values and decisions. A value judgment not only suggests that something has been judged good or bad; it also suggests that a person will act on the basis of this judgment. Social value judgments, moreover, suggest that all people should act on the basis of the judgment. Likewise, suggested actions or decisions imply the support of a value judgment. That is, value judgment suggests decisions; decisions imply the support of value judgments. For example:

Value Judgments		Decisions
Equal educational opportunity is good	Suggests that	Negroes should be given just as good instruction in the public schools as whites
A peaceful community is good	Suggests that	We should have an adequate police force
Free speech is good	Suggests that	We shouldn't pass laws censoring Communist literature

Decisions describe the actions one is likely to support or carry out. Decisions can be justified on at least two levels. Decisions can be justified by predicting that certain consequences will occur or that other consequences will be avoided if a decision is carried out. This assumes that everyone agrees on the goodness or badness of the consequences. Decisions can also be justified by demonstrating that important social values will be violated if the decision is not made.

Disagreements which center on whether or not a predicted consequence will occur as a result of a decision can often be resolved by gathering factual information and evidence to support one's prediction. Disagreements over whether or not the consequences themselves are good or bad must first be dealt with by referring both the consequences and the decisions back to important social values. For example:

Decision	Specific Consequence
We should arrest people who make Communist sounding speeches..........because:	These people will spread Communist ideas

If the person who gives this argument is confronted with evidence that arresting people who make Communist sounding speeches does not prevent the spread of Communist ideas, it weakens his position. But if he produces evidence that such arrests do in fact halt the spread of Communist ideas, someone might say, "That is bad. We should have as many people as possible know about Communist ideas. We should have a free market place of ideas."

At this point in a value disagreement, the people disagreeing can refer back to more basic social values that each wants to preserve in the community. For example:

	Decision	Social Value
Mr. Smith might say:	We should jail people who talk in favor of Communism because	such talk threatens the safety of the community.
Mr. Jones might say:	We should let everyone speak on any subject he pleases, as long as he does not use lies to damage people's reputations because	free speech is an essential ingredient of personal freedom.

Justifying decisons by asserting that they tend to support or violate basic social values forces us into the problem of value conflict. A single decision may be defended on the grounds that it preserves one social value, and at the same time denounced because it violates another.

In the example above, the decision to censor Communist speeches was defended on the grounds that it preserved peace and order and denounced on the grounds that it abridged free speech. Whether or not we will actually have to face up to these controversial points of view, however, depends upon the assumption that there is at least some truth to the implied claims of consequences behind each person's value position. For example, the person who stresses the importance of peace and order assumes that Communist speeches will lead to violence and disorder, and to a general weakening of important societal values. If we found upon careful investigation that there was very little chance that Communist speeches and publications would lead to violence, disorder, and the deterioration of important values, there is no value conflict. Censorship is simply bad. If on the other hand we found that in several countries where Communists were given freedom of speech, there was a loss of respect for law and individual freedom resulting in riots, or even revolutions, we might seriously consider some censorship on the grounds of preserving a lawful society. We can see, therefore, that value conflicts may disappear when we test the factual assumptions behind each value position.

But suppose we test the factual assumptions behind each value position and find that for a given situation any reasonable decision will lead to the violation of at least one important value. For example:

Situation	Alternative Decisions
The Amish, a religious group in Pennsylvania, do not believe that the government should provide citizens with old age pensions. It is part of their religious conviction that each person should take care of his own family in sickness and in old age.	a) The government can force the Amish to pay their social security taxes, which will never benefit them, and which violates their religious convictions; or b) The government can exempt the Amish from the tax and violate equal protection under the law, i.e., everyone but the Amish will be required to pay the tax.
There is a national emergency. The North Korean Communists have invaded South Korea. President Truman wants to call up several military reserve units. Many of the men in these units served three and four years in the armed forces during World War II. Their lives were disrupted once by war, and now they will be disrupted again. But the President needs trained troops.	a) The President can call up the troops in the reserve units, and have a better trained defense force to protect the national security, or b) The President can draft young men who have never served their country, and give all young citizens more equal treatment.

Let us assume that in these situations (and in many like them) there is a genuine value conflict, one that does not disappear when the facts are in. There is no simple solution. One cannot resolve the conflict by saying that the answer is only a *matter of opinion*. *Public policy is* at stake, and a wrong decision may affect the future of the whole nation. One cannot resolve it by simply saying it is a matter of definition, using the right words to describe the situation. No matter how the situation is described, there is, in some sense, a violation of fairness or justice. One cannot resolve the problem by saying "get more evidence." The evidence indicates more and more clearly that some people's rights are going to be violated in the interests of the community.

In resolving this issue, one must accept the fact that there is no "correct" or "right" solution. We must create or accept that policy which least violates our concept of human dignity and which least violates any of the social values we hope promote human dignity. The purpose of analyzing political problems of this type is to lead one to a decision which will minimize the violation of important values, not to pretend that no conflict between these values exists.

Importance of reflective analysis. In general, value problems are at the center of political and social disagreements. In a community which is concerned with maintaining a balance between governmental actions which benefit the community and governmental actions which protect the freedom of each individual, each of us has an obligation to weigh in our own minds the wisdom of each proposed governmental action, and make a decision in terms of its benefit to the dignity of each individual. To surrender this obligation to influence governmental actions through reflected decisions can lead to the loss of those freedoms that are most important to all of us.

Factual Problems

We have now discussed some concepts related to both definitional problems and value problems. In this section we will discuss disagreements over fact -- what we will call "claims." In political argument, the center of a controversy is usually a disagreement over conflicting values: Which value is more closely associated with human dignity or rational consent? As we found out in our discussion of values and decisions, whether or not there actually is a value conflict often depends upon the accuracy of our factual information. The accuracy of factual information in an argument over public decisions is important in at least two ways:

(1) While a decision itself is based on the elements in a situation which each person thinks are good and bad, right and wrong, and cannot be "proven" true or false, the decision very soon leads us to certain implied factual considerations. For example, the statement, "Voting rights of Negroes in the South are violated" implies certain facts. This is quite a different statement from: "Negroes should have full voting rights," which does not say whether or not Negroes have these rights. Thus, it is important to establish the facts suggested by the statement that a value has been violated before we assume that a value conflict exists. It may turn out after a careful investigation of the facts that all agree that there is no value conflict at all.

(2) In a political controversy, people often make factual predictions to support a value position. For example, it is often stated that a social security program guaranteeing unemployment assistance and old age pensions will weaken the initiative and self-reliance of workers; or that high personal income taxes weakens the initiative of business and professional people, because most of what they earn will be taken away in taxes by the government. While it is often the case that such arguments are given by people who favor private property rights over efforts of the government to provide for the general welfare, these arguments themselves depend upon the reliability of specific factual claims, not upon the validity of one's values. The argument is not over whether property rights or taxes are good, but rather over whether or not governmental action will, in fact, lead to certain undesirable consequences: a lazy and irresponsible work force.

Determining the reliability of factual claims. It is important to distinguish among conclusions drawn from specific observations of events, the observations themselves, and the events upon which the observations are based. An event is a happening or a state of affairs in the world around us. All knowledge, as we define knowledge, depends upon the observation and description of these events. The raw material of an event consists of living things, objects, and actions. When we describe events we are actually describing our perception of events. We never know for sure what the exact nature of an event really is. We know only what our senses have told our brain, and what our brain has interpreted the event to mean. It is these general interpretations of specific observations that we are here calling conclusions. The distinction between factual observation and conclusion is very well illustrated by the following anecdote.

> President Eliot of Harvard enjoyed telling the story of an experience he once had, illustrating proper caution in drawing a conclusion. When he entered a crowded New York restaurant, he handed his hat to the doorman. As he came out he was astonished to see the doorman promptly pick his hat out of the hundreds there and hand it to him. In his surprise he asked, "How did you know that was my hat?" "I didn't know it was your hat, sir," was the answer. "Why then," asked Mr. Eliot, "did you hand it to me?" Very courteously the doorman replied, "Because you handed it to me, sir."[3]

When a factual conclusion is questioned, we tend to support it in two ways. First we try to show that specific observations tend to support the more general conclusion. Second, we try to show that other facts seem to fit into a logical pattern if we assume that the conclusion under question is also true.

For example, suppose we make the claim:

> "Workers who presently belong to labor unions are better off than workers who have no such affiliation."

First, we must settle the definitional problem of what "better off" means. Suppose we agree that "better off" is defined in such terms as wages, working conditions, vacation pay, sick leave, pension funds, and job security. The first way we might support this statement is to look at more specific claims. We might find that:

(a) Truck drivers in the Teamsters Union get 45% higher wages than non-union truck drivers.

(b) Construction workers in Georgia are paid less than construction workers in New York City. The construction workers in Georgia are largely unorganized, while the construction workers in New York City almost all belong to unions.

The greater number of specific claims we can identify which tend to support the conclusion we are trying to prove, the more reliable the conclusion becomes.

---

[3] Walter B. Cannon, The Way of an Investigator (New York: W. W. Norton & Co., 1945), p. 337 quoted in Lee, How Do You Talk About People, p. 13.

The second way to support a claim is to relate it to other general facts which are accepted as true. For example, we might find a dramatic rise in wages paid to unskilled factory workers between the years 1935 and 1940. We might also know that this was the period when many unskilled factory workers joined unions. These facts would be consistent with the conclusion that union workers are better off than non-union workers.

In general, then, we support our factual conclusions by giving specific information which supports the general conclusion under dispute and by showing that the conclusion is logically related to other facts at any level of generality. We might describe specific claims as statements that describe an event that takes place at a particular time in a particular place. "Franklin Roosevelt died in 1945." "The United States dropped two atomic bombs on Japan in August 1945." While the specific time or place may not be stated, we would describe these examples as specific claims. There is, however, another kind of claim which is not tied to a particular time and place. For example:

(a) Negroes are not as intelligent as whites.

(b) Depressions occur when corporations refuse to increase the wages of workers to keep pace with increases in production efficiency.

These claims describe or summarize some type or class of events which occurs consistently and predictably. We will call these statements general claims or generalizations. Generalizations tend to be confirmed when we find specific instances or examples which support them. In the generalizations listed above we would:

(a) Look at individual Negroes and whites, or look at groups of Negroes and whites to find out whether or not Negroes were generally as intelligent as whites.

(b) Compare periods in our history in which production efficiency increased rapidly and wages remained the same, and see whether such periods were followed by depressions.

Generalizations are a particular kind of conclusion at which we arrive by looking at a number of instances or examples of a type of event. It is important to note that they not only summarize a number of specific claims or facts, but they imply that because particular types of events have been observed in the past, evidence gathered in the future will tend to support the general conclusion already reached. In this sense, all generalizations are predictions. In checking whether or not a generalization is sound, it is important to evaluate the number and reliability of specific instances or specific facts which tend to support the generalization.

We commonly call generalizations as well as specific claims "facts." As we have just noted, whether or not a generalization, like a specific claim is a fact, depends upon the reliability and quantity of evidence we have to support it. Evidence is defined here as any statement that can be used to support the truth or reliability of another statement. Thus, evidence can be specific or general. It tends, however, to be more specific than the statement it supports.

For example, we might say, "The United States is the richest nation in the world." This general conclusion can be supported by many "facts." These facts can be generalizations or general conclusions. For example: the U. S. produces more cars than any other nation; the U S. produces more wheat than any other nation, etc. Each of these general statements can then be supported by a more specific statement. Thus, we can build a general-to-specific chain of evidence:

The United States is the richest nation in the world [because]

It produces more cars per capita than any other nation [which is confirmed by the fact that]

The United States produced five million cars last year and this was more than the number produced by all other nations combined [which is confirmed by figures recently released by]

The United States Department of Commerce indicating the number of cars produced in the United States and abroad.

Each more specific statement could be considered "evidence" supporting the statement above it. When generalizations are questioned, we should commonly try to support them with more specific generalizations, statistics, or reliable sources.

Statistics. A statistic is a count or a numerical estimate based on a count of several events that have been observed. It summarizes a number of observations. Some statistical statements are not generalizations because they refer to specific observations that have already been made, and make no assumptions about the nature of future observations. However, some statistical statements are generalizations because, while they may be based on a specific enumeration of events, they go on from these specific observations to a general inference or prediction. For example, we might look at the rate of economic growth of the Soviet Union and that of the United States in terms of specific statistics. A summary of these observations would be a descriptive statistic. If we went on to conclude, however, that the Soviet Union has, in general, a higher rate of economic growth than the United States, this would be an inference or generalization based on the statistic.

Sources. When a specific claim, a generalization, or statistic is questioned we often try to prove its reliability by identifying where we obtained the information, i.e., its source. The following types of sources are convenient labels to begin to describe sources and test their reliability.

1. Intuition as a source of evidence. Intuition is what we often call "common sense." We may hear someone say, "I just know it's true, it's common sense." If you press this person, he may go on to explain, "Well, I just know that it is true." Just thinking that a claim is true, however, does not make the claim a fact.

Many claims we believe to be true are based on intuitive evidence. Intuition is, in general, a poor source of evidence, because it offers no way of proving to other people that our claim is a fact and that their claim is false. When there is a factual disagreement, it is usually best to look beyond intuition and seek other sources of evidence.

It should be noted, however, that in two instances intuition is related to two other types of evidence which we shall discuss. In the first place, intuitions are often based on some experience the person has had. So a statement that I just have a feeling that the Chinese people will never be able to revolt against the Communists," may actually have some implicit factual basis. The problem here is the same as that to be treated under the section on "personal observation" -- i.e., is this observational data sufficient to justify the generalization of the "hunch"? Or, if the person said that it was just "common sense" that such a revolution would not take place now, he may actually have based this statement on some historical data with which he is familiar. In this case it would be important to move to the evaluation of that data. If one had to make a choice between relying on intuition supported by no experiences or information and one which had its basis in some concrete evidence even though not thoroughly substantiated by it, the latter would certainly provide a firmer ground for action.

It should also be recognized that some persons' intuitions are more respectable than others'. This may be the result of specific past experiences an individual has had or because he seems to have particularly valid insights about some phenomena. For example, we would probably give Ambassador Thompson's "hunch" about how the Russians would react to a specific treaty proposal a great deal of weight even though his judgment about the Russian reaction is based only on a "hunch." So, while in general we should apply rigorous standards of proof to intuitively based claims, we should at the same time recognize that an intuitional statement by a person with some competence in the field under consideration, even though not substantiated by concrete evidence, is probably a better basis for a decision than no evidence at all.

2. Authority as a source of evidence. The claim is made by a history student that "Germany was defeated in World War II." When we ask him how he knows that this claim is true, he says, "My history book says so." Someone makes the claim that there has been a revolution in a Latin American country. He says he knows his claim is true because he read it in yesterday's New York Times.

When we are faced with the problem of proving a claim, we may point to someone else who has made the claim. These "someones" are usually people, like the author of a history book or a New York Times' reporter, who are supposed to know more than we do about a given claim. In other words, these are people whom we believe are reliable authorities.

What makes an authority reliable? Below are six questions we can ask to gather evidence of reliability:

(a) Is the authority a first-hand observer of the events about which he tells? Did the newspaper reporter, for instance, actually witness the Latin American revolution?

(b) If the authority is not a first-hand observer, does he state who told him the claims he is repeating?

Different people may present contradictory reports, even though they have read or heard the same piece of information. It is important, therefore, to know the original source from which each person got his information so that we can find out what it really said. Because we cannot check testimony unless we know where to find it, most reliable authorities indicate the source of their information.

(c) Is the authority an expert on the subject about which he is writing? How much training and experience has he had in his field?

Someone may report that Brazil is becoming a Communist country. This testimony may very likely require knowledge about Communism, knowledge about the leaders of Brazil, its history and tradition. Before we believe the claim that Brazil is becoming a Communist country, we must be convinced that the man who made the claim has the necessary knowledge to make accurate observations on the subject. When an authority is reporting an observation for which technical knowledge is necessary, it is important that we obtain information about the authority's technical competence.

(d) Is there any information about the authority that would lead us to believe that he has a personal bias or prejudice?

If we ask the officer of a corporation whether high corporation taxes are slowing the growth of business, he will almost certainly answer "yes." If we ask him why, he will give a number of very good reasons. It is possible that he has given us a fair view of the situation, and that corporations are actually overtaxed. It is also possible, however, that he favors corporations because he runs one, and has built a set of reasons to justify his own biases.

The word "bias" indicates that a strong personal feeling about the goodness or badness of a person, action, or object may interfere with our evaluation of truth or falsity of a related claim or set of claims. People do not usually admit that they have biases or prejudices. They prefer to think that they believe certain claims because they are actually true.

A person who has no personal "interest" in a subject under discussion is often referred to as "disinterested." He does not have money, property or his reputation at stake in the way an issue will be solved. Because he has no personal interests involved, he has no obvious reason to be biased for or against the claim under question. The corporation officer would not be disinterested because his living depends on running a corporation profitably, which in turn may depend on convincing us (or the government) that corporations are being overtaxed.

An authority can, however, have a personal interest in an issue and still make reliable claims. Many reporters, like the southern Negro who reports on race relations, have a personal interest in what they report. The way to evaluate the testimony of any reporter whom we suspect has a personal interest in an issue is to attempt to assess whether or not his interest prevents him from giving accurate testimony. We can determine this by asking other questions about the authority's report.

(e) Does the authority contradict himself at any point?

Does the authority give a careful, consistent argument? For example, the corporation officer may claim corporations are being "taxed broke" and then in another setting boast about the high dividends paid to the stockholders.

(f) Are the claims supported by other authorities?

The southern Negro claims there is discrimination in the South. If other authorities familiar with the South agree with him, we would tend to accept the Negro's claim.

These are only a few of the more important questions we may ask about authorities to help us judge their reliability. We should also note here that people sometimes look for symbols of authority which may have little to do with the question of whether or not a person is competent. Some of these questionable symbols are listed below:

Being an older person -- Many children and young people believe that being an adult makes a person an authority. We commonly assume that the older we get, the more we know. People sometimes try to prove claims by saying that an older person "told me so." Older people obviously have limited knowledge, and, in fact, often disagree with one another.

A claim in print -- Some people believe anything they read. Black print on white paper seems to cast a magic spell of truth. Yet it is almost as easy to make false or exaggerated claims on paper as it is by word of mouth. It is just a little more expensive.

The status or importance of the authority -- Many people believe that because a man has status -- because he is important in the eyes of the community -- he is a reliable authority on all subjects. Business men, political leaders, doctors, television stars, and many people with a great deal of money have high status.

We often believe such people whether or not they are expert on the subject about which they are making claims.

3. Personal observation as a source of evidence. A third source of evidence is direct personal observation. While it is usually one of our best types of evidence, it does have important limitations, especially in our study of political controversy. In the study of political matters, we often cannot prove things by personal observations we have made ourselves. In evaluating historical evidence, it is impossible to set up a demonstration that enables us to observe first-hand exactly what happened in some earlier period. For this reason, in issues of public policy which depend largely on historical knowledge, we try to prove things more often by use of authorities than by use of personal observation and demonstration.

4. Proof by analogy. Frequently we do not go through the more lengthy process of carefully evaluating evidence in our effort to support a claim. Instead, we use a much simpler method -- proof by analogy. Someone claims, for example, that a constitution is necessary to run a government. Instead of gathering evidence to convince us that his claim is true, he simply says:

> A written constitution is as necessary to a government as a rulebook is to an orderly game of football.

We know that a complicated game like football would be very confusing without a rulebook. We know that government is complicated too. We are likely to accept the claim that government and football are alike in requiring a written constitution or a rulebook because we know they are alike in being complicated. We might then conclude that we can't depend on memory or informal customs to solve disputes in government any more than we can in football. We make a comparison. We compare something with which we are familiar to something with which we are unfamiliar.

Analogies can, however, be misleading. Although two objects, acts, or situations may be analogous in certain ways, they may be different in many other important ways.

A football rulebook spells things out in great detail. A constitution tends to be more general. If our Constitution, written almost 200 years ago, had been very specific, it would be out of date today, and perhaps long since have been cast aside. Constitutional amendments are much more diffiault to make changes in than a football rulebook, and have more serious consequences for the community. In these respects, a constitution is very different from a football rulebook. When we compare two similar objects or situations in an effort to prove a point, therefore, we must be careful to notice the ways in which they are different as well as the ways in which they are alike.

Sampling: How much evidence do we need? We have talked about the need for distinguishing between conclusions and evidence or specific observations which are given to support them. It is also important to point out that the accuracy and reliability of conclusions based on specific claims depend not only on the truth of the specific claims upon which the conclusion is based, but also upon the number and type of events actually observed. In other words, we have to be concerned not only with the reliability of our evidence, but also with the amount of evidence. The process of selecting and observing facts which may support a particular generalization or conclusion is called sampling. There are two important considerations we should keep in mind when we evaluate our sample of evidence supporting a conclusion. (1) The sample must be large enough to justify the generalization or conclusion we wish to make. If we assert that "the average labor union member is dissatisfied with his labor leaders," it is better to have asked 1000 members than to have asked 10. (2) The sample must be representative of the types of events about which we wish to draw conclusions. If we concluded from evidence that union members are dissatisfied with their leaders, we would have to make sure that we sampled a variety of different kinds of unions in a variety of different kinds of industries. Some labor unions, for example, are made up mainly of unskilled workers. Others are mainly for skilled workers. Others are organized on an industrywide basis, like the steel and rubber workers, and include both skilled and unskilled workers. If we thought that a classification such as "skilled" versus "unskilled" was related to the type of leadership a union might have, or whether or not the worker might be dissatisfied with this leadership, we would want to be certain that the sample of workers about whom we were generalizing included a representative number of workers who belonged to both kinds of unions.

Telling how sure we are that factual statements are reliable. Whether or not a claim is actually true depends upon the quality and quantity of evidence supporting it. Because our evidence is always limited, we never know for sure whether a claim is absolutely correct or absolutely false. And since there is always some degree of doubt about the truth or falsity of a claim, we need some way to express the degree of certainty we feel when we make a factual statement. Below are some terms by which we can express the degree of confidence we have in a factual statement.

When there is a great deal of evidence to support a claim, we call it a fact. In our terms, a fact is a claim that can be proven beyond reasonable doubt, e.g., Abraham Lincoln was elected President in 1860. This does not mean that the statement is absolutely true; it may still be possible to cast doubt on its reliability. However, for all intents and purposes, we can treat such statements as true.

In many cases there is some scarcity of evidence or some contradictory evidence supporting a claim. The history of labor unions shows, for example, that they usually do help workers, although there is also some evidence that unions have damaged the workers' interests. When most of the evidence available indicates that a statement like, "Labor unions help workers," is true, we can say that a statement is probably true.

Specific claims are more likely to be true beyond reasonable doubt than are conclusions.

When we find a great deal of evidence indicating that a statement is not true, we may say that the statement is false beyond reasonable doubt. When we have proven that a claim is not ture, we can say that it is a false claim.

When most of the evidence we have indicates that a statement is false, we say that the statement is probably false, e.g., "The standard of living in the Soviet Union will surpass that of the United States by 1975."

These four phrases, true beyond reasonable doubt, probably true, false beyond reasonable doubt, and probably false apply only to statements about which we can get some good evidence. Some statements cannot be thought of in any of these terms, because the evidence is too scarce or because what evidence we do get is too contradictory. When such situations arise, we can consider the statements doubtful or controversial. It is sometimes important, however, not to accept doubtful or controversial statements as they stand, but rather to deal with statements at a lower level of generality which may be susceptible to proof with additional evidence. For example, in arguments over the race problem in America, a common issue raised is whether or not there is a genetic basis for intellectual differences between Negroes and whites. The evidence on this issue is so cloudy that almost any statement one can make is, at best, controversial. It is well established, however, that in general the white performs better than the Negro on intelligence tests and measures of academic achievement. This fact may be in and of itself important to an argument, apart from the question of whether it adequately answers the more general question of innate intellectual differences.

Loaded statements: the thin line between value judgments and factual claims. We have already discussed the problem of loaded definitions and labels. The general problem of affectively toned language is even more difficult to deal with when one considers it in the context of total statements. For the fact of the matter is that we rarely find clear-cut value judgments separated from claims. More often we find values and preferences woven into factual claims. These are commonly called loaded statements. We can always ask two questions about any loaded statement: (1) Does the statement contain an accurate descriptive statement or claim? and (2) Do we agree or disagree with the value or preference that the statement expresses? Let's ask these two questions of the following statement.

> "The President spends more time vacationing than he does taking care of public business."

This statement can be treated as a claim and subjected to a factual test or we can simply react to the implied value judgment. In answering the two questions about this statement we may find that

(a) we like the President even though he plays golf more than he attends to public business; (We accept the accuracy of the facts but we disagree with the preference expressed.)

(b) or we dislike the President even though he spends most of his time attending to public business; (We agree with the preference expressed but we do not accept the accuracy of the facts.)

(c) or we like the President and know that he spends most of his time attending to public business; (We disagree with the preference and do not accept the accuracy of the facts expressed.)

(d) or we dislike the President because he spends more time vacationing than he does attending to public business; (We accept the accuracy of the facts and agree with the preference expressed.)

The point is that we must be careful to analyze both the feelings and claims expressed in a loaded statement, for, although our values may differ from those implied in the loaded statement, we may be forced to agree that the facts are correct.

Sometimes it is possible to change a few key words and thereby change the value loading implied in the statement even though the facts expressed remain the same.

For example, we can say, "Through radical and reckless spending on socialistic schemes, our state is now on the verge of bankruptcy and financial diaster." Or we can say, "In our effort to provide state funds to give a decent standard of living to the sick, the needy, and the disabled, we have spent much money and new sources of revenue are now needed to keep our state solvent." From a factual point of view, both statements may be saying pretty much the same thing. However, the feelings expressed by the two statements are quite different.

It is important that we understand clearly why we are attacking or defending a statement. Are we doing it on the basis of its factual meaning, or on the basis of its value implication? Unless we know the basis of our attack we may end up defending a factual claim simply because it "sounds good" rather than because it can be supported by evidence.

Conclusion

We have now talked about three different kinds of disagreement: disagreements over the use or meaning of words; disagreements over the relative importance of certain principles of social and political conduct; and disagreements over the accuracy or plausibility of certain events in the world around us. A controversial discussion may embrace any disagreements falling into one or more types, and the relationship between them may be subtle and complex. Categorizing disagreements in this way is a useful initial step in the analysis of a political discussion, since the appropriateness of one's approach to the controversy depends upon seeing the specific nature of the conflict. Intense discussions over the value of fallout shelters during the summer and fall of 1961 illustrate this point very well. The following questions were commonly raised:

1. After an atomic war, would life be worth living in the midst of what was left?

2. Would a shelter program actually decrease or increase the likelihood of war?

3. Does a man have the right to lock his neighbor out of his shelter to protect his own family?

The initial strategy for dealing with these three questions might be quite different. In the first question a great deal hinges on the definition of two terms: "worth living" and "what was left." The second term ("What was left") can immediately be translated into a factual issue; whereas, the first term ("Worth living") is explicitly a value issue. The second question is clearly a factual question. The third question, however, is again a value question. Discussions commonly raised these important questions, but failed to deal with them systematically. Each antagonist tended to dwell on those issues he intuitively felt favored his side of the argument, and he refused to deal with the issues which tended to operate against him. If one is aware of the fact that discussion becomes fruitful when the individual goes beyond the initial statement of issues to the question of an appropriate strategy for resolution, the process of rational consent may be carried out with greater intelligence. This chapter then has sought to provide a framework within which sources of disagreement may be conceptualized as well as to suggest strategies by which these different types of controversy may be clarified or resolved.

CHAPTER SIX

SOME RELATIONSHIPS BETWEEN PROBLEM TYPES

Identifying definitional, evaluative, or factual problems that are embedded within a broader public issue is useful as a first step of analysis, but, as indicated above, this is only a first step. Fruitful analysis requires that we identify more complex relationships among these different kinds of problems.[1] In a controversial discussion there are undoubtedly an infinite number of patterns of relationships by which these problems can be usefully related. At this point we will suggest only a few general patterns which commonly arise in political controversy and show how the three dimensions of political conflict play a part.

Pattern One: Establishing the Point at Which a Value is Violated: The Factual Emphasis

The problem of determining *when* a social situation violates an important social value is both definitional -- does the value term apply? -- and evaluative. Arguments along these lines, however, often center on a descriptive controversy over the nature of the situation under discussion, emphasizing factual disagreement.

In school segregation, for example, the argument often centers on the issue of whether or not the separate schools provided for the Negroes were in fact equal to those provided for whites in terms of such objective criteria as quality of buildings, teaching load, teacher salary, physical equipment, and the like. Both antagonists in such an argument may assume that separate-but-equal could be a legitimate answer to the problem of race relations in the schools, but disagree on whether or not Negro schools will ever be brought up to white standards under segregated conditions. The 1954 desegregation decision of the Supreme Court was finally argued on such factual grounds. Both segregationists and integrationists agreed on the value of an equal education for the Negro. The question was: Does the situation that exists (segregation) injure the Negro's chance of getting an equal education? A second point in the segregation issue which may begin with a value statement but soon reverts to a factual one is the "self-determination" issue: The right of each state to deal with its own race relations problems as each sees fit -- the "states rights" doctrine. The Southerner argues this position because he believes that most Southerners are violently opposed to desegregation. Some integrationists have questioned this assumption, asserting that in fact there are many Southern moderates who would prefer integration to breaking the law, but they are intimidated and forced to remain silent by more vocal extremists. Whether or not the majority of Southerners would prefer to comply with the Supreme Court's decision of 1954, is, of course, an empirical or factual question.

---

[1] Stevenson has made this point and has addressed himself specifically to the subtle relationships between values and claims:

"When ethical issues become controversial, they involve disagreement that is of a *dual* nature. There is almost inevitably disagreement in belief, which requires detailed, sensitive attention; but there is also disagreement in attitude. An analysis which seeks a full picture of ethics, in touch with practice, must be careful to recognize both factors, neither emphasizing the former to the exclusion of the latter, nor the latter to the exclusion of the former. Only by this means can it reveal the varied functions of the ethical terms, and make clear how the methods of ethics compare with those of the natural sciences. Only by this means, indeed, can it envisage its proper task; for the central problem of ethical analysis -- one might say 'the' problem -- is one of showing in detail how beliefs and attitudes are related." Charles L. Stevenson, *Ethics and Language* (New Haven: Yale University Press, 1943), p. 11.

It is on the basis of factual questions such as these that political disputes can perhaps best be initiated. For unless we have some solid evidence that the situation described by an injured antagonist is to some extent accurate, there is little sound basis for extended debate.

We are not suggesting, however, that once the problem situation is accurately described, the factual issues are resolved. It is more likely that the argument proceeds through alternating cycles among the various issues. For example, the controversy may well begin with an "atrocity story" describing a situation in which an individual or group is allegedly being treated unjustly. Implicit but salient is the assumption that an important value is violated. The argument may turn from the emphasis on the violation of the value to the issue of whether or not the atrocity story is true or representative of a larger class of situations. (Are the poor educational facilities provided for Negroes in rural Mississippi representative of all segregated Negro facilities?) The factual discussion will often reveal a wide spectrum of degrees of justice and injustice.

The question then becomes both evaluative and definitional: At what point on this spectrum does injustice become so obvious that the coercive power of government should be used to redress the grievances of the wronged party? The antagonists seek to arrive at common standards by which to differentiate justice from injustice. Then again as the definition of "injustice" becomes clearer, the antagonists may return to the descriptive controversy to see if, in fact, one would describe this or that particular situation as an example of injustice.

Pattern Two: Establishing the Point at Which a Value is Violated: The Emphasis Upon Evaluative Clarification

We may now look at the problem of clarifying the hypothetical point at which a value is violated, e.g., when liberty becomes license, when equal opportunity becomes enforced mediocrity. Extreme violations of American social and political values are generally obvious to the large majority of citizens. Such violations create special problems for political decision when they are suppressed or ignored by a disinterested majority, or when they can be justified by facts indicating that other equally important values are thereby maintained, e.g., censorship in wartime. In the center of the value continuum, however, is that vague area in which the citizen may not know whether an abuse being perpetrated is sufficiently important to require governmental action and governmental coercion.

For example, to what extent would the policy of separate-but-equal, actually enforced, be a violation of "equal protection under the law?" The history of the separate-but-equal doctrine is itself a study of conflicting interpretations of the point at which justice or dignity is sufficiently violated that the Supreme Court feels obligated to interfere with the rights of the States. This kind of conflict cannot immediately be resolved or clarified with facts. There is often agreement on the facts. One person describes segregation as a badge of slavery, and therefore a violation of equal protection. The other person describes segregation as protecting the cultural integrity of two distinct racial groups, and sees no violation of equal protection.

The use of analogy in the process of ethical clarification. One approach to the clarification of this type of conflict is the use of comparative cases or analogies. We look at the case in question by comparing and contrasting it with an array of real or hypothetical situations in which are embedded the same value conflict. We then ask ourselves which of the comparative cases are violations of an important value, and how similar these cases are to the one in question.

Let us again take the example of racial segregation in the public schools. Suppose we compare and contrast this with segregation by sex in the public schools in areas such as the practical arts or physical education. Boys and girls are normally given separate facilities and training for physical education. If each group is given equally good instruction and equipment, would this violate our idea of equality? Probably not. We might rationalize our position by saying that there are good reasons for segregating the sexes in physical education. It is commonly assumed that girls are not physically equal to boys. They have different interests. They are somewhat self-conscious and modest in the presence of one another, especially in gym suits. But would these arguments not apply just as well to racial segregation? Perhaps girls could achieve the same physical prowess as boys if they did not have a negative self image concerning their ability to perform athletic feats.

Now let us take a second comparative situation. Would segregation by social class be a violation of equal protection? Suppose we were to divide the population into thirds according to income, and establish three separate school systems for these groups. Most Americans, including racial segregationists, would probably oppose this kind of segregation (although many schools in fact condone and promote it). But wouldn't the protection of the cultural integrity of various social classes apply as an argument for this kind of segregation, as well as for racial segregation? (One might even say that the lower classes provide a kind of uninhibited music and art which invigorates the culture; efforts should therefore be made to preserve its integrity).

In our analysis we have three situations, each of which violates with increasing intensity the common use of the equal protection concept. Most Americans appear to have no great stake in the inequalities brought about by sexual segregation in physical education. Most Americans, we guess, would be horrified if social class segregation were legalized and enforced in the public schools. And racial segregation is subject to much controversy. Is it or is it not a violation of equal protection?

The use of analogous cases allows us to broaden the context of discussion by developing a series of points along the continuum of equality -- inequality, and thus to clarify the depth of our own commitment to a particular value. It does not, however, resolve the problem of how to determine which particular type of case provides the critical point at which equality must have priority over cultural self-determination. This point is determined by each individual, although all may agree that a common legal standard should exist.[2]

The use of analogous cases not only clarifies the range of situations we might consider as violations and non-violations of a particular value, it also tends to impel us to seek criteria which will distinguish one situation from another. For example, the person who sees sexual segregation as legitimate, but who sees racial and social class segregation as wrong, may say that the basic difference is that men and women, boys and girls, are really considered as social equals in the society, whereas Negroes and members of lower class families are not. (This, of course, may be subject to question.) On the other hand, the person who sees sexual segregation and racial segregation as similar, but who sees social class segregation as the violation might assert that while many lower class people want to be like middle class people and live near them, this is not the case with the other two types of segregation. Girls do not want to participate in sports with boys: the great majority of Negroes do not want to live among or go to school with whites.

The return to factual problems. Once we begin to categorize one group of cases as a "violation of equality," and another group as a "non-violation," we again tend to move from our intuitive judgment of "rights" in the controversial situation to questions of fact. In this situation, we might ask: Do women and girls really feel equal to men and boys, or do they envy them as social superiors? Do most Negroes really want to move from a segregated way of life to closer association with whites? The analogy thus forces us to identify characteristics in several similar situations which differentiate those which violate a value from those which apparently do not. Analogy is, therefore, an instrument of rational ethical clarification, which leads us to seek reasons which can often be subjected to empirical test of our seemingly inconsistent judgments about similar types of ethical conflicts.

---

[2] While the use of analogous cases may not resolve the issue, it is sometimes an effective device in causing people to change their position which, in fact, does resolve the issue. For example, although we may have first been against racial segregation, through the use of our analogy we may come to see it as no different from sexual segregation, with which we find nothing wrong. Or initially we may have seen nothing wrong with racial segregation, but after seeing its similarity to social class segregation, we may change our minds and be firmly against both.

Pattern Three: The Clarification of Value Conflicts

In dealing with public controversy probably the most important type of issue revolves around a value conflict or political dilemma. A political dilemma occurs when we are faced with a choice in which any of the available alternatives will enhance one value at the expense or violation of another value. Such a dilemma is commonly handled in two ways: we either deny, distort, or repress the negative consequences which attend our actions so that the value violation remains below the level of consciousness; or we maintain that the value we are preserving is in general more important than the value we are violating -- we assign static priorities to values. This latter strategy deserves more extensive comment.

The usual static value priority approach, which was discussed at some length in Chapter Two, asserts that the value given the higher priority is more important because it more closely approximates our conception of human freedom and dignity or the conditions necessary to preserve dignity. The school desegregation situation, for example, is characterized by both sides asserting that the values that each upholds are more closely associated with "human freedom." The Southern white generally selects two values to support his position, one political, the other social: local control or "states' rights," and the individual freedom of the parent to protect his cultural integrity. The first argument, of course, has a Constitutional basis. The Northern liberal bases his argument on the value of equal opportunity, which enjoys Constitutional support in the equal protection clause of the Fourteenth Amendment. Within the framework of a value priority position, it is possible to argue that the "higher" value is inviolable, and to refuse to consider the "facts" of the case. The Goldwater stand on desegregation illustrates such a position. Constitutionally guaranteed 'states' rights" and local control must be supported, although we know that the races are given unequal educational opportunity within certain states; the federal government has simply never been delegated Constitutional power to deal with the problem of education, including racial inequality in the public schools. We uphold Constituionalism because it is the basis of freedom and justice, even to the point of tolerating temporary injustice.

While the initial statement of such a position appears irrefutable, the power of the argument depends partly on the extent to which there is in fact a violation of the value which is given second priority -- in this case equal educational opportunity. If one can demonstrate that the Negroes in a particular Southern state have been getting little or no educational privileges compared to white children, the states rights argument becomes somewhat hollow. And if the dogmatic states rights advocate maintains that extreme violation of equal education opportunity is irrelevant to the argument, he is forced to ignore or deny a fundamental value of the Creed --

and as Myrdal points out,[3] since most Americans have internalized the whole Creed, it becomes a difficult position to maintain.

In general, appeal to one value as "more basic" than another operates effectively in political controversy only when the "less basic" or "unlegitimized" value is not under extreme violation. This is why the "separate-but-equal" position, assuming that it has been fairly implemented, is so persuasive. Whereas imposing a system of race relations on the majority of people within a state is clearly an extreme violation of the concept of local control and states rights (especially when no such powers have been explicitly delegated to the federal government), separate-but-equal does not appear to be such an extreme violation of the value of equality.[4] It is only when we see overwhelming factual evidence indicating that although separate-but-equal is a legal fact it is, in reality, a myth, or that it is inherently impossible because of its damaging psychological effects on young Negro children, that the integrationist's argument gains force.

So while initially, simply giving one value permanent priority over another appears to be a secure political position in the face of conflicting values, the position loses force when there is a major violation of the "secondary" value. Apparently the basic values of the Creed are so important that they cannot simply be ignored.

As we have already indicated in Pattern Two, analogies are particularly useful to clarify value issues, and **especially**, to underline the fact that there is a real conflict over values which cannot be obscured by the rhetoric of a static value priority argument. Situations analogous to an initial problem case can be suggested from which one can abstract the same values as those in the problem case. In each of the two situations -- the problem case and the analogy -- one value is being supported at the expense of another. Yet we judge some of these situations to be "good," and others to be "bad," although both involve the support of one value and the violation of another. The problem is to clarify the reasons for doing this and accept our inconsistency. To illustrate this process let us look at the following example:

> Between 1763 and 1776 the British became increasingly restrictive on the rights which American colonists had come to assume were theirs. Finally, some colonists considered this an unberable loss of freedom. In pursuit of greater freedom they struck out at the British by holding the "Boston Tea Party" and storing arms and ammunition in Concord. Committees of Correspondence were set up to increase agitation against the British. For some, the purpose

---

[3] Gunnar Myrdal, "An American Dilemma," (New York: Harper and Brothers, 1944), Appendix I.

[4] Such segregation on religious grounds exists, for example, in Montreal.

> of this agitation was to gain concessions from the British. For others, it was to gain independence through violent revolution, if necessary.

How do most Americans feel about these efforts to gain independence? We celebrate the men who worked toward it; we celebrate the day on which it occurred as a national holiday. Now let us look at a similar hypothetical case or analogy:

> Some states in the South have traditionally refused to give the Negroes voting privileges, equal educational and job opportunities, and have excluded them from the full privileges of citizenship. Suppose Negroes were able to accumulate stores of arms and ammunition and plot a general uprising against such states as Mississippi and Alabama, as well as the United States. The Negro claims he is fighting for some territory in the South which is now largely occupied by Negroes. Should the United States put down such a revolt? Should Mississippi and Alabama put down such a revolt?

It is quite possible that many Americans would admit that the Negro might have some justification for revolting, but probably few would support the revolt. We could extend both situations and suggest that Russia might give arms to the Negroes in their fight for independence just as France gave military aid to the English colonies in America.

Does it not seem as though we have contradicted our stand from the first situation to the second? And, more precisely, what is the nature of the contradiction? We can begin to answer this question by asking ourselves what values we were defending in the American Revolution: the right to representation in government and political and economic treatment equal to that accorded Englishmen in the Empire. We felt that the interests of the American colonies were not represented in the decisions of the King and the English parliament, nor were the colonists being given the rights that Englishmen of comparable social class were accorded in England. In order to gain our rights we had to achieve independence, which finally meant fighting a revolution, violating English law, and committing acts of subversion and violence. The hypothetical Negro revolution in America has obvious similarities. The Negro is denied basic rights of citizenship: representation and equal treatment under the law. The American colonist was denied similar rights. The Negro is (in our hypothetical example) resorting to lawlessness and violence to gain his rights. This is what the American actually did in the American Revolution.

The analysis of these two cases illustrates a number of points. A political problem often begins when a specific decision violates an important social value. The problem becomes more complicated when we realize that the social value we give to support our decision in one situation may well be ignored by a second decision we make in a comparable situation. We are thus faced with inconsistent decisions.

It is possible, of course, to give some values such high priority that we face few value conflicts or inconsistencies. Many Quakers, for example, place such importance on the values of peace and non-violence that in any situation involving the choice of violence or non-violence they usually behave consistently. Most of us, however, are not in this position. Most of us value many of our personal freedoms so much that, if we felt that they were unjustly or illegally being taken away, we would injure others to protect them. We would violate one value to protect another when in a particular situation the first value seems more important for the protection of human dignity. And the more important fact is that we do not consistently violate one value and consistently protect another. We often deal with similar situations in different ways, because each has its own unique characteristics which must be taken into account if we wish to protect the basic value of human dignity as each of us may define it.

While the inconsistency on the general value level may well be justified in terms of the specifics of the two cases we are comparing, this is often disconcerting to the person who considers consistency to be an essential criterion of rationality. As the inconsistency begins to impinge upon our consciousness we may find it easier to pretend that the salient value, the value that is obviously supported in one particular situation, surely leads to the most reasonable decision. In thinking about the American Revolution, for example, we focus our attention upon the value of political independence and self-government (and the fact that these values were violated by the English), rather than upon the value of remaining within the legal boundaries of the English constitution to effect an orderly peaceful settlement of disputes. One of the major difficulties in discussing a controversial political situation, then, is forcing antagonists to recognize that they share both of the conflicting values involved in the situation. The American patriot has so often been conditioned to associate the American Revolution with "fighting for freedom," for example, that he cannot see that the phrase contains both a positive value and the violation of an important value. The analogy is an effective device by which we can expose values "in the shadow of consciousness," as Myrdal puts it, and force the antagonist to admit that a dilemma does, in fact, exist. It serves the function of pointing up a latent value which someone else would just as soon play down or ignore.

There is no implication here that by casting the Revolution in an unfavorable light through the use of analogy we can or should teach students to reject the total situation. The point is simply that political decisions and their consequent actions often involve conflicts in value, and by understanding this we are in a better position to rationalize our position, and consider alternative positions that we might otherwise ignore. In most cases, however, we are forced to accept the fact that the final decision we make involves some negative consequences. We are suggesting here that it is better to admit this with honesty and candor and deal with it, than to conceal it with euphemistic phrases or a turning of the head.

Pattern Four: Translating a Value Conflict into an Issue of Fact

This strategy for dealing with value conflicts is, of course, commonly associated with pragmatism. As White states:

> The important point is that Dewey thinks that judgments of desirability are simply judgments that something is desired under conditions which have been thoroughly investigated in the way that a scientist checks his test conditions.[5]

Commonly this strategy involves initially asking the question: "What are the consequences of my value or policy position?" If it turns out that individuals or groups holding differing policy positions based on different values ask this question and arrive at the same consequences, or vice versa, the difference in policy position (and value) theoretically may be resolved by empirically testing whether the assumed relationship between policy and social consequence does in fact hold up. For example, the segregationist often argues that he wants to maintain the cultural integrity of the two races simply because this will lead to the greatest mutual respect and harmony in race relations. The integrationist will argue that this violates the "brotherhood of man" doctrine. All races, creeds and colors should mingle freely with each other, because this fosters mutual respect and harmony. One supports the value of cultural integrity and "freedom of association" by legal safeguards, if necessary; the other supports the value of sharing common experiences and closer association. Both justify their conflicting value positions on the basis of their common concern for peaceful and harmonious relations between the races.

From the pragmatic point of view -- with which we agree, the approach to such a controversy is, in the broad sense, experimental. We look at particular situations in which one or the other approach has been tried and evaluate the extent to which each has contributed to racial peace within the community. Often, however, when either assumption is contradicted by substantial factual evidence, the antagonist on the "wrong" side of the issue reverses the priority of his values and places the instrumental value above the final value. If the evidence indicates that segregation produces more violence and ill-will between the races, for example, such a consequence is justified as a necessary evil to maintain a greater good, cultural integrity. If the evidence indicates that close association between the races produces racial strife, this is looked upon as perhaps a temporary evil that must be endured for the sake of the greater good, practicing brotherhood. When the controversy is genuinely approached as an experimental problem, however, it is potentially "solvable" in the sense that any broad factual issue can be solved.

---

[5] Morton White, Social Thought in America (Boston: Beacon Press, 1957), p. 213.

Obtaining firm and non-controversial data bearing on such problems is, of course, difficult. While broad sociological, historical, and journalistic studies provide the most appropriate kind of data, they are also the most sensitive to contamination by the author's personal biases. And although the behavioral sciences offer a more objective methodology and approach, they usually lack the depth and scope for dealing with complex political issues.[6] Obviously, there is no recourse but to use whatever data is available, although it may be of variable quality and relevance. Unfortunately, many factual questions in politics begin as controversial issues and after exhaustive historical or scientific research, end up being just as controversial.[7]

Conclusion

As we pointed our earlier, these patterns relating value problems, definitional problems, and factual problems are complex and are meant to be suggestive rather than definitive. There is undoubtedly no end to the delineation of interesting and important patterns of ethical-political analysis. It should also be noted that our emphasis on the ethical-political conceptual framework described here is on the introductory steps in the analysis of a political issue. More often than not issues which emanate from a value premise soon become questions of fact and theory in which the various social science disciplines come to play a key role. From our point of view, problems that are most relevant to people as citizens start "in history," however, and not in a social science discipline. Thus, the initial points of clarification tend to be historical points -- historical analogies, if you will. It is only after these initial ethical and definitional problems have, to some extent, been clarified that the factual issues come to play a predominant role.

---

[6] Perhaps some exceptions to this statement might be noted. We might mention the work of Myrdal on the American Negro, the work of Allport on prejudice, the work of Reisman on mass culture, and the general work of Lewin which has subsequently influenced many social psychologists, the most recent example being the book by Ralph White and Ronald Lippitt, Autocracy and Democracy (New York: Harpers, 1960).

[7] See Alfred Kelly's address to the American Historical Association, 1961, parts of which are reprinted in U.S. News and World Report, February 5, 1962. Kelly makes the point that the litigants of the segregation cases of 1953 were commissioned by the Supreme Court to determine whether or not the framers of the Fourteenth Amendment intended it to apply to such areas as public education. The Court reached the conclusion after hearing exhaustive testimony on both sides that a clear conclusion could not be arrived at, and finally made its decision on sociological rather than historical grounds. The incident well illustrates our point, however. One must make political decision which in some cases should be based on empirical considerations, using whatever data seem relevant and appropriate, although they may be clearly inadequate.

CHAPTER SEVEN

A SUMMARY OF IMPORTANT INTELLECTUAL OPERATIONS INVOLVED IN TEACHING THE ANALYSIS OF POLITICAL CONTROVERSY

A General Strategy for Teaching the Analysis of Political Controversy

In Chapter Five we described a number of important concepts which we thought might be useful in the analysis of political controversy. We focused on differentiating among three types of disagreement, and the description of various lines of inquiry for clarifying if not resolving these types of disagreement. In Chapter Six we tried to give the reader some notion of the complex relationships which exist among these elements of disagreement. In all of this discussion our orientation has been toward the analysis of controversy, and the general processes of inquiry that might be useful in such an analysis. We specifically tried, however, to avoid "formularizing" an approach to political-ethical problems. Our reason for this is simple: We believe that the process of argumentative inquiry into such problems is too complex.

From the point of view of pedagogy, however, the analytic formulation presented thus far is unwieldly, complex, and difficult to translate into a specific teaching strategy. We have found it relatively easy, for example, to teach the analytic concepts, but the difficult question is: How does one teach the student to select and focus the appropriate concepts on a particular problem. In our attempt to answer this question, we have tried to steer a middle course between a "problem solving formula" on the one hand and the general mandate "take our analytic formulations and face the problem in any way you see fit" on the other. In this middle course we have done two things. We have tried to summarize the major intellectual operations which can be made explicit in the analysis of political controversy, and we have tried to place these operations in some rough logical order.

The description of the following operations is, therefore, not only a restatement and summary of certain analytic concepts already described above in greater detail, but also implies a strategy or order of consideration.

Summary of Major Intellectual Operations

1. Abstracting General Values from Concrete Situations

In order to use the patterns of analysis suggested above the student must understand selected ethical and legal concepts and be able to construe concrete problem situations in these terms. If the problem is whether or not Congress should pass an antitrust act, for example, the student must be able to see that the decision can be construed in terms of such general values as property and contract rights, the protection of equal rights for large and small businessmen alike, and protection of the interests of the community at large.

2. Using General Value Concepts as Dimensional Constructs

We commonly interpret general values as categorical concepts, as ideals or "goods." When we abstract two or more conflicting values from a single situation and reflect about how the situation may be changed to lessen the conflict, it is difficult to use values as all-or-non categories. In the segregation issue, the Northern liberal asserts that the Negro's rights are violated; the Southern conservative asserts that school integration violates his right to freedom of association. Under these circumstances the concept of compromise is simply not possible. One must give up his whole value position or none of it. Our approach to this problem is to deal with social values as dimensional constructs. For example:

freedom of speech ______________ censorship

equal opportunity ______________ caste system

Christian brotherhood ______________ self-interest

Dealing with values as constructs allows us to conceptualize the higher value, human dignity, as a "blend" or amalgamation of values attained through compromise. In a particular value conflict we seek such a compromise, recognizing that everyone cannot be satisfied. Moreover, the resolution of a problem usually does not dissolve the value conflict; it rather adjusts a situation to the interests of the debating parties. But such an adjustment does not necessarily mean that the basic value of human dignity has been diluted or violated; it may, in fact, mean that we have arrived closer to it.

3. Identifying Conflicts Between Value Constructs

Once the student is able to abstract general values from concrete situations, and see them as dimensional constructs which can be violated to a greater or lesser degree, he must be able to see that two or more values can be abstracted from the same situation, and that oftentimes these values conflict with one another. That is, a decision which enhances one value may work to the detriment of one or more other values.

4. Identifying a Class of Value Conflict Situations

In order to compare one situation in which a value conflict occurs with others similar to it, the student must be able to see a particular situation as an instance of a general type of value conflict. For example, we might see that violations of state segregation laws by Negroes in the South are similar to violations of English law by the Colonists before the American Revolution. In this instance, it is the problem of violating the "rights of man" by the legally constituted government versus violation of the law in the protection of these rights.

5. Discovering or Creating Value Conflict Situations Which are Analogous to the Problem Under Consideration

The purpose of constructing analogies is to force an antagonist to compare a number of similar situations to which he reacts inconsistently. If this comparison is to be useful, we must find situations in which we tend to favor both of the conflicting values. For example, while most of us support the actions of the English colonists in America during the American Revolution, probably few of us would support a comparable action by the Negroes in Mississippi, although the issue is similar. As we have indicated in our pattern analysis, the purpose of analogy is to expose the inconsistency in one's own position, which then allows us to rationalize this inconsistency by discovering criteria which differentiate two seemingly similar cases.

6. Working Toward a General Qualified Position

The quest for criteria by which to differentiate two situations characterized by the same conflicting values so that one can reasonably react positively toward one and negatively toward the other leads us to a qualified decision stating under what circumstances we will give priority to one value over the other. For example, we may rationalize our approval of the 1776 revolt of the English colonists in America and disapprove a 1963 revolt of Negroes in Mississippi by stating that the Negroes are not only citizens of Mississippi, but are also citizens of the United States, which is sympathetic to their cause, and which is in the process of ameliorating their condition; while the Colonists were citizens of one government which was indifferent to, if not responsible for, the abuses they were suffering. We might then generalize and say that whenever a major governmental force is working successfully to reduce inequalities among citizens, and whenever there is a realistic chance that this will take place, it is better to stay within the legal framework of government. As Jefferson said, "....governments long established should not be changed for light and transient causes...." When hope of reform is finally gone, however, we may conclude that one can justifiably resort to violence and revolt.

The process of qualification is thus necessitated by a series of antecedent intellectual operations. We state a general policy with respect to a given case. We then encounter a similar case in which our decision is reversed. We thus support opposite values in the two cases. We then try to find some general characteristics about one situation which makes us judge it to be "good" while at the same time rejecting the other situation as "bad." Finally, we arrive at a general policy statement, including the qualification, which will anticipate future cases, and how we will deal with them, e.g., "I will support a violent revolution only when and if it can be shown that all reasonable hope of governmental reform is gone."

Perhaps another example will further clarify this process. Americans of Japanese ancestry on the West Coast were forcibly relocated shortly after the attack on Pearl Harbor in 1941. Let us assume that we support this relocation. We see this as a value conflict between certain freedoms guaranteed to all citizens, in this case the right to due process under law, as against the security of the community or nation. We then think of an analogy which reverses our position. Suppose there are five Americans of Japanese ancestry in a community. One is seen committing a murder. The witnesses who observe the crime from a distance know only that the murderer had oriental physical characteristics. Should we then lock up all five men who have oriental physical characteristics to protect the security of the community? Most of us would answer "no." It is the same dilemma, however, the security of the community versus denial of due process. How do we explain our inconsistency? We might say that "security" of the nation or community has two different meanings. In the Japanese relocation case the legal framework of government which guarantees our basic rights was threatened; in the murder case, while perhaps some citizens' lives were jeopardized by allowing all suspects to go free for lack of evidence, the government itself was not threatened. We then arrive at a general position: The government can justifiably deny citizens basic rights only when that government itself which is committed to protect those rights is threatened with destruction, otherwise, the action is wrong. This is not to say that one cannot argue convincingly the opposite position, and qualify it in a similar way.

7. Testing the Factual Assumptions Behind a Qualified Value Position

Stating a qualified value position will, to some extent, "explain" our inconsistency or clarify our reasoning in a controversy, but it does not necessarily resolve the differences we have with someone who takes an opposite position, even though we have similar ethical commitments. For our position depends not only upon the weight we give conflicting values in two situations, but also upon a number of factual assumptions. In the Negro revolt in Mississippi, we are assuming that the Negro's position will be ameliorated by the federal government. There may be little evidence to support this position. In the Japanese relocation situation, we assume that there was an immediate danger to the security of the American government, which could be partially removed by relocating citizens of "doubtful" allegiance. Today this assumption is generally rejected as false.

As we stated before, the analogy exposes inconsistency, the inconsistency forces one to state the factual differences between the situations about which one makes inconsistent judgments, and the argument can then shift from a controversy over the priority or relative importance of values to a test of the factual differences which each antagonist claims supports his qualified position. The concepts which describe the appropriate strategy for attacking factual disagreements are described in Chapter Five. They include, identification of conflicting claims, the search for evidence bearing upon these claims, the evaluation of types of evidence, the evaluation of the quality of evidence, especially that coming from authorities with various kinds of qualifications and biases, and the evaluation of the quantity of evidence (e.g., a consideration of how many sources are sampled, the basis of each source, and the extent to which the sources are representative).

8. Testing the Relevance of Statements

The various patterns of analysis and intellectual operations described above presumably apply to a wide variety of controversial political situations. The use of a valid pattern of analysis, however, does not mean that it is necessarily useful in the context of a particular discussion. The pattern must not only be valid, it must be relevant to the issue. In an argument over segregation in housing, for example, the Southerner will often charge that there is more segregation in New York City than in Southern cities. One is prone to ask, "So what if this is true?" It has no bearing on whether segregated housing is good or bad. It would be relevant only if one defended segregation in one place and not in the other; or if one were trying to demonstrate that there is some "natural" or "normal" tendency toward segregation. Relevance is a difficult operation to define and teach. Probably the closest we can come to a general identifying characteristic is to say that a statement is relevant if it tends to strengthen or weaken the assumption that the central values in a controversial discussion are or are not violated. Relevance, of course, has both an internal factor which applies to the specific points being made in a discussion and an external factor which applies to the total issue under consideration. That is, a statement can be relevant to the general discussion but irrelevant at a particular point in a discussion. Presumably it is well to meet the requirements of both types of relevance.

Conclusion

We have now described some major concepts and analytic processes we would select as a basis for a social studies curriculum whose major topical focus is political controversy. The justification for selecting these analytic concepts depends upon a number of assumptions, some of the more important of which are:

(1) It is useful to distinguish facts from values.

(2) It is useful to describe political controversy in terms of general values rather than simply in terms of specific controversial cases.

(3) It is useful to differentiate the general values of the Creed from the ultimate concern of a democratic society -- the dignity of man.

(4) The process of comparative cases or analogies has the value of clarifying one's value position, and leading one toward an empirical statement of a political disagreement.

(5) The methods of history, journalism, and the social sciences are appropriate ways of dealing with empirical disagreements.

We confess it is difficult to justify any particular selection of analytical processes by which one might approach political controversy, because so little is known about how to release man's creative problem solving energies, especially in the direction of clarifying and resolving political and ethical disagreement. The basic reason for selecting these particular concepts and operations, aside from their presence in the literature on logic and ethics, is simply that they have proven useful to us in discussing ethical issues; they appear to help us clarify and resolve political disagreement. What else can one say? Nor can we describe or really justify the intellectual operations we ourselves went through in arriving at these patterns and processes of analysis.

A second question, of course, is whether or not a student should be taught directly or indirectly any explicit analytical framework. Our own position on this issue is clear. We feel that it is necessary to have some framework from which to approach political conflict in order to feel any sense of adequacy or competence in handling it.

The framework we have described, however skeletal and inadequate, gives the student an orientation from which to begin analysis. This is especially important from a pedagogical standpoint. Without a framework the student is likely to view social controversy as a maze of facts, opinions, and conflicting claims. When his own opinions are challenged, he approaches the controversy by simply embracing unreflected judgments. And because he cannot distinguish different kinds of conflict, different kinds of disagreements, he strikes in several directions at once in an effort to regain a comfortable equilibrium of contradictory beliefs and values. Myrdal has described one aspect of this tortuous process:

> We have already hinted at the fact that valuations are seldom overtly expressed except when they emerge in the course of a person's attempts to formulate his beliefs concerning the facts and their implication in relation to some section of social reality. Beliefs concerning the facts are the very building stones for the logical hierarchies of valuations into which a person tries to shape his opinions. When the valuations are conflicting, as they normally are, beliefs serve the rationalization function of bridging illogicalities. The beliefs are thus not only determined by available scientific knowledge in society and the efficacy of the means of its communication to various population groups but are regularly "biased," by which we mean that they are systematically twisted in the one direction which fits them best for purposes of rationalization.[1]

We feel that one cannot hope to understand and control either his natural or social universe unless he has some analytic frame of reference, no matter how crude and inadequate, from which to deal with problems. Without such a framework he is a creature of impulse, wasting his energies by rationalizing his failures rather than focusing his reason upon the challenges to his existence.

We hope, however, that the student will come to question the framework we have presented, to identify shortcomings in it, and, to reject it if from his point of view, it fails to deal with important issues adequately. (The framework herein presented is obviously not the first version of our own analytic construction of political controversy.) Many of the concepts presented above should certainly be changed, discarded, or forgotten, depending upon how useful they turn out to be. This is as it should be. The most useful tools of analysis for each of us are often the ones we invent ourselves. Good arguments are complex, subtle, and intricate. They defy explicit rules of analysis. They are the creation of an original mind. So our hope is not that people can be taught to use the analytic scheme presented here. It is that concepts such as these will be useful enough to make each of us realize their shortcomings and inadequacies, and that in time, each of us can discard them in favor of more appropriate ones.

---

[1] Gunnar Myrdal, An American Dilemma (New York: Harper and Brothers, 1944), p. 1030.

PART THREE

IMPLEMENTING THE APPROACH:

THE DEVELOPMENT AND EVALUATION OF A TRIAL PROGRAM

CHAPTER EIGHT

AN OVERVIEW OF THE HARVARD-CONCORD PROJECT

Part One of this report presented a justification for giving contemporary political issues a central place in the public school social studies curriculum. Part Two described one analytic framework within which such a curriculum might be initiated. The problems of developing a theoretical justification and an analytic framework for such a program are, however, quite different from those involved in its actual implementation. Part Three will deal with a limited set of five questions regarding implementation:

(1) How does one select and organize materials for teaching such a program?

(2) How can learning outcomes for such a program be evaluated?

(3) How would the results of such a program compare with standard geography-history-government programs commonly taught in the social studies?

(4) What are the problems of more accurately describing various types of student-teacher dialogues one might use in such a program?

(5) Is it possible to identify different types of students who may benefit differentially from various types of student-teacher dialogues as they attempt to learn how to handle political controversy?

To pursue these questions empirically a cooperative relationship was established between the Harvard Graduate School of Education and the Concord (Mass.) Public Schools. This relationship was formalized as the Harvard Social Studies Research Project, and will henceforth be referred to simply as the Project. The next five chapters of this report will describe in some detail the progress we have made in our attempt to handle these questions. Before plunging into the details of the specific findings of the Project itself, however, we shall present a general description of the institutional setting in which the Project worked, as well as an orientation to the work we did in each of the five problem areas cited. This will allow the reader to keep in mind the fact that we did not do five separate studies on five separate problems. Rather we worked in a single school setting for four years and attacked a series of questions, all of which are centrally related to the problem of teaching students to analyze political controversy in a more critical, intelligent way.

Community and School Setting

The school within which the Project operated is a two year (seventh and eighth grades) fully departmentalized junior high school in Concord, Massachusetts. Concord is a suburban community located approximately fifteen miles from Boston. The tone of the community is upper middle class with a relatively high percentage of professional residents. It is, however, more heterogeneous than its elm studded main street and colonial houses in the center of town might lead one to believe. A large acreage is given over to truck gardening. There is a state reformatory (prison) at one end of town, which employs a considerable number of guards and other non-professional personnel. There are also a number of smaller manufacturing installations as well as the plant of one corporation of national importance. This is not to suggest, however, that one could describe it as a "typical American community." In 1957 28% of its population over 21 fell in the category "professional, technical, and kindred workers" and 15% were classified as "managers, officials, proprietors, and farm managers."

It is obvious that the decision to locate the Project in this particular school system did not result from any attempt to select a representative regional or national sample. Nor is it the result of an attempt to select a random sample from a particular type of community. It was rather a matter of locating a community with sufficient interest in social studies curriculum development and research to allow the Project the freedom and the facilities to experiment. The particular characteristics of the community in which we developed the curriculum and carried on the research have, of course, important implications for the generality of our findings. The tone of the community which clearly valued formal education was reflected in the behavior of the students who came to the junior high school.

The Structure of the Project

In the relationship between school and university Harvard provided:

(a) research assistants for the identification, writing, and editing of instructional materials;

(b) personnel for the planning, design, and implementation of specific research studies carried on within the framework of the Project;

(c) two or three teachers to supplement the regular social studies teaching staff, to do mainly experimental teaching.

These latter two functions were carried on by advanced graduate students at the Harvard Graduate School of Education who carried joint appointments with Harvard and Concord.

Concord provided:

(a) an experienced master teacher to work with the Project and facilitate its efforts in any way possible. This included experimental teaching, writing materials, developing measures, and organizing and composing experimental classes.

(b) Concord made available for experimental teaching purposes five groups of junior high school students. The composition of these five groups varied during the four years the Project spent at Concord (1957-1961). During the first two years we taught two seventh grade groups and three eighth grade groups, because we wished to pretest materials, measures, and teaching procedures at both levels. The second two years we carried 125 students through both the seventh and eighth grades in a single coordinated teaching experiment.

The degree of autonomy accorded the Project implicitly by the community and explicitly by the school system and the junior high school should be noted. The Project was given almost complete freedom to experiment and to test materials, measures, and teaching styles. The major restrictions on the curriculum were self-imposed by members of the Project in their effort to provide the students with whatever training might be expected of them when they entered the senior high school. The major restrictions placed on the research were inherent in the size of the school, the actual number of classes available for teaching, and the scheduling problems of any complex social organization. Obviously, there are many conditions within a public school setting which any administration, no matter how cooperative, simply cannot change. The particular grouping of individual classes, the length of class periods, interruptions for music lessons or band and orchestra practice, assemblies, snow storms, holidays and holiday exercises were situations outside the control of the Project. It should also be noted that control over the actual instruction of students not only requires the delegation of power by the administration; it is also a function of the extent to which the experimental teachers are willing to devote time and energy to work within the framework of the experimental curriculum. Experimental teaching in the Project was done by the same people, in general, who were directing the research. All had research appointments at Harvard as well as teaching responsibilities at Concord. Unit planning, lesson planning, the development and administration of measures, and the development of teaching style definitions were all carried on by a single group. It was not a matter of a research team directing a group of classroom teachers on what to do, as has often been the case in instructional research.

Some specific facts about the school. Below are presented a number of facts about the organization of the junior high school to clarify the limitations within which the research design was required to operate.

(a) class size: The school policy stated that classes were not to exceed 25 students. This policy was in general faithfully administered. Classes ordinarily ran between 23 and 27 students, with very few exceeding 25 students.

(b) number and length of class periods: The school day began at 8:15 and ended at 2:05. Within this time the students attended five class periods of approximately one hour each. Every student took the same nominal program. This included four major subjects (English, mathematics, social studies, and science) and three minors (practical arts, music, and physical education). There were no electives.

(c) size of the school: The school consisted of approximately seven sections of 25 students each at each of two grade levels. Each section had a homeroom and traveled to all of its classes as a unit.

(d) criteria for grouping sections: Although each year the criteria for grouping sections was slightly modified, the following general statements are a reasonably accurate representation of the situation.

At each grade level the top students academically were placed in a single homogeneous section. This was called the "honors group."

Next, two types of sections were constituted, one containing average and above average students; the other, average and below average students. There was a deliberate attempt to obtain overlap of ability between these two types of sections, although it is probably safe to say that there was as much overlap between the honors group and the high-average groups as there was between the high-average groups and the low-average groups.

A fourth type of group was constituted mainly of average students with high motivation.

Problems Investigated

Below is a very brief orientation to the problems we defined and investigated in the course of our work. In the following chapters which describe this work in detail we shall attempt to place our work within the context of educational research in general. We might note here that some of the most provocative and relevant research and development has been done in contexts outside of our own special area of interest. In such cases we shall try to show how certain general findings have relevance for our particular work.

1. Selecting Materials of Instruction and Organizing Teaching Units

We very quickly discovered that the kinds of content required to teach our suggested curriculum fell into three rough categories: (1) materials to present the basic ethical, legal, and structural concepts of American government; (2) materials describing specific analytic skills for dealing with political problems; and (3) substantive materials describing the historical and contemporary nature of important domestic political problems. Initially we worked mainly on the development of the third type of content, and, in fact, produced a specimen unit on school desegregation the first year. We soon realized, however, that students were unable to handle the substantive materials with only the casual training in government and analytic thinking we initially intended to provide. This led to a major effort in the second year of the Project to fill this need. As a result we produced a document called "Learning to Think Critically" describing specific analytic skills for handling controversial issues. We also identified the document Federal Textbook on Citizenship (simplified edition), by John G. Hervey as a text for teaching the major principles and structure of American government. It was soon discovered, however, that these two documents and the two areas of content they represented had to be integrated into a single intellectual framework. This was done in the form of notes and outlines and taught orally to the students. A dozen specific controversial situations based on Supreme Court cases were written up in an initial effort to teach the student to apply this integrated framework. Part Two presents the basic ingredients of this framework. As we pointed out in the introduction to Part Two, the content presented in this report, however, is not intended as instructional materials, but rather as guides for the development of materials. In our work, these instructional materials are now only in outline or case form, and are not written up in a coherent sequence. They will, therefore, not be discussed in Chapter Nine. In Chapter Nine we shall rather discuss in detail the problem of organizing and selecting materials for units on substantive societal problems, e.g., segregation, labor relations. The development of our own thinking along these lines along with illustrative materials provide a fairly precise idea about the kinds of materials the students encountered in the experimental curriculum. Moreover, in Chapter Eleven when we discuss the effectiveness of such an experimental curriculum when compared with a conventional history-geography curriculum, an outline of the total curriculum will be laid out in some detail.

2. Evaluating the Process of Analytic Thinking

Our initial efforts to evaluate the process of analytic thinking were conservative; we tried to identify available measures. Although we finally decided to use three of these measures in the Project, this was done more to investigate the adequacy of the measures than the adequacy of the instruction. In a rather desperate effort to evaluate what we were trying to teach, we developed two pencil and paper measures of our own. Although these measures turned out to be sensitive to the type of changes effected by the curriculum which the students encountered, we finally came to the conclusion that quite possibly the fundamental problem was not in our conceptualization of the kinds of intellectual behavior we thought should be measured, but in the inherent weaknesses of objective pencil-and-paper measures. In short, such measures prestructure the problem one wishes to present to the student. At this point we moved very quickly ahead with plans for the development of a category system for coding oral behavior. Although there are obvious difficulties with this approach -- it is tremendously time consuming and creates very difficult reliability problems -- we now think it has more potential validity than any measure now on the scene.

In Chapter Ten we shall review a number of the measures we considered for the Project and discuss their strengths and weaknesses in some detail. We shall also present the experimental measures developed by the Project with reliability statistics.

3. The Merits and Deficiencies of a Political Analysis Curriculum as Compared to the Conventional Geography-History-Government Curriculum

In the latter two years of the Project, we taught a single group of 125 students the experimental curriculum over a two year period. These students were compared with students in three control schools. The results of this research will be reported in Chapter Eleven.

It should be noted here that the general experimental design called for an experiment within an experiment. That is, the students in Concord taught by the Project were all taught the same materials. Part of the time, however, regular class size groups were divided in half and taught by two different teaching procedures.

4. The Effectiveness of Two Types of Dialogues for Teaching the Student to Analyze a Political Issue Intelligently

The problem of separating the "teacher" from the abstract behavior performed by the teacher has long baffled educational researchers. In selected situations in the major experiment we asked individual teachers to perform two different teaching roles. One we called socratic-analytic; the other recitation-analytic. The variation in teacher role was set up to investigate three questions: (a) Can teachers use different teaching styles, or does the teacher have to be "himself?" (b) To what extent do systematic variations in teaching style affect learning? and (c) Do styles "break down" or require modification as students learn to anticipate consistencies in teacher behavior?

In Chapter Twelve we shall review some of the major studies in which dimensions of teaching or teaching style have been analyzed and quantified. Subsequently we shall present our own work in the analysis of style, and our efforts to deal with the questions posed above.

5. The Identifiability of Personality Traits or Dimensions Which Might Affect the Student's Ability to Learn to Use the Political-Ethical Model to Analyze Political Controversy

In our early efforts to teach students to deal with political controversy it became obvious that different students were prone to handle these issues in quite different ways. We first pretested a variety of instruments in our attempt to tie down some of these important traits: value and ideology measures; measures of so-called rigidity or flexibility and closure; measures of interpersonal relations and orientations; measures of emotional stability. Through this hunch and trial approach we gained confidence in some measures and discarded others. In our major study we employed a large battery of measures and related these to both learning outcomes and teaching style. This study is reported in Chapter Thirteen.

CHAPTER NINE

SELECTING AND ORGANIZING PROBLEM UNITS FOR THE TEACHING OF CONTEMPORARY ISSUES

In developing a theory for the selection of content we have already made the distinction between topical content, which refers to descriptive categories of the social or natural world, and analytic content, which provides us with a means of organizing or inquiring about topical content. Part Two presented a set of related concepts to serve as an analytic framework for dealing with political controversy. This represents the first part of our effort to implement the general approach to content selection suggested in Part One. This chapter will describe and illustrate materials of instruction by which the student might learn about the substance of political issues, and through which he might also gain command of the analytic concepts. First, however, we shall discuss briefly the problem of selecting contemporary political issues to be used as a basis for the development of teaching units, and the further problem of deciding how specific teaching materials might be selected in the construction of a teaching unit.

The Selection and Organization of Problem Topics

A major shortcoming in the "problems approach" as a criterion for the selection of content obviously is determining what "problems" should or should not be included in a curriculum. If one is concerned with the teaching of contemporary issues, how does one decide which of the multitude of issues are of sufficient importance to be taught systematically to the student?[1] We would argue that in general, it is not difficult to find agreement among professional social scientists, people in government, journalists, and other professional observers of the contemporary scene regarding what are the most pressing issues threatening the stability and freedom of the society. We would suggest, moreover, that there is a great deal more disagreement over methods of organizing and teaching these issues than there is disagreement over the fact that the issues are sufficiently important to be taught.

At least six pedagogical approaches are commonly used to organize materials for the teaching of contemporary issues. These might be briefly listed as follows:

(1) The injection of contemporary issues into regular history and government courses whenever they appear relevant.

(2) The treatment of the "daily news" as the main substance of the course, often through programs provided by daily or weekly newspapers or newsmagazines.

---

[1] If one has faith in the transfer of an analytical approach to novel political issues, the problem of selection is, of course, less acute.

(3) The treatment of "current events" periodically (usually once a week) as a regularly scheduled activity.

(4) The thematic approach to history wherein a topic such as "church and state" or "the democratization of American society" is traced from some historical point to the present scene.

(5) The historical crisis approach, in which particularly critical historical episodes or eras are identified and analyzed in the search for useful generalizations which might help one analyze or explain contemporary problems.

(6) The problem-topic approach which gives priority to a particular topic, and then seeks to develop such a topic historically to the contemporary definition of the problem.

While there may be strengths and weaknesses in all of these approaches, we feel the first three have a fundamental weakness; they make no systematic effort to integrate the historical background of an issue with its contemporary character. Injecting current events into a discussion of history is usually done to demonstrate that some history has relevance to the modern world, or vice versa. The obvious question is: Why doesn't all the history which is actually taught have such relevance? And if it does, why is it not taught this way? The "newspaper approach" is essentially a course in random contemporary issues, and while it may teach intelligent reading habits, there is no evidence that it teaches the student to approach policy problems inherent in contemporary events more intelligently. The "once a week" approach has essentially the same weakness as the "daily news" approach.

We would suggest that the latter three approaches have much in common and all deserve serious consideration. In our own work we have used both the historical crisis approach and the problem-topic approach.

The Historical Crisis Approach

Operating from an historical crisis approach, one begins by looking at historical periods which are analogous to or may be contrasted with contemporary history, and which may help explain contemporary problems. Once the historical period to be investigated has been identified, the teacher must consider each of the variety of problems that converge at this point in history. We have developed two such units: the American Revolution, and the New Deal. In the Revolution, for example, a number of important issues converge: the social class upheaval; the ideological revolution embodied in the words of the Declaration of Independence; the legitimacy of resorting to violence as a means of resolving political and economic questions; the formation of a new government. The New Deal also contains a number of interrelated problems and issues which reach crisis proportions simultaneously: the imbalance between agriculture and industry; the flood-drought problems in agriculture; the stock market crash and the consequent economic depression; the ideological assaults on free enterprise and free political institutions; the lack of political instruments to handle growing problems in labor-management relations, and internal labor disagreements caused by the rise of industrial labor unions. All of these issues, of course, have contemporary analogies.

In general, the historical crisis approach to the organization of content gives initial priority to a specific historical setting and then seeks to analyze the complex interplay of problems within that historical setting. The study of such specific historical settings clearly has two kinds of relevance to contemporary issues. (1) They allow us to identify direct or indirect causal relationships between historical antecedents and a contemporary fact or state of affairs. For example, current Southern attitudes toward Northern interference in the race problems of the South are partly conditioned by the way these problems were handled during the Civil War and Reconstruction Period (2) They may lead toward the development of general principles of political or social behavior from analogous historical situations, i.e., what might be called "lessons of history." For example, since it is commonly believed that the appeasement of Hitler in his early days of conquest was a great mistake in the foreign policy of the Western democracies, we now operate under the assumption that future appeasement will lead to war rather than peace. The principle was evolved that if force is actually used in the critical phase of a dictator's attempt to consolidate power, the dictator may be overthrown and the community of nations saved from an outlaw state. Thus, in one sense, the French and English attacked Nasser's Egypt in 1956 for "historical reasons."

The Problem-Topic Approach

The problem-topic approach begins with the selection of a contemporary issue which is deemed important and persistent. The issue or topic then determines what data is relevant to present to the student. These data may be mainly historical (which they usually are), journalistic, sociological, etc. The approach is clearly causal or explanatory. We look only for those historical or social scientific facts and generalizations which help clarify or explain the nature of the contemporary problem.

From our point of view there is little point in debating the relative values of the thematic, historical, or problem-topic approach to the development of units. There is no reason to think that one approach is better than another, nor reason to think that one approach cannot be used to complement another. Certain historical periods are crisis-ridden because several problems in an aggravated form converge at that point in history. One cannot understand the full impact of these problems, nor their interrelationships, without studying the crisis as a whole. The problem-topic approach, however, lends itself better to providing the student with a clear interpretation of the historical development of a problem, as well as making it easier to use contemporary social science information in its analysis.

A Note of Caution About the Use of a Single Analytic Framework to Select and Organize Materials of Instruction

Before we discuss the problem-topic approach in more detail, some notes of caution should be sounded regarding the use of an explicit approach or analytic framework to select and organize materials of instruction. However one goes about selecting and organizing specific materials for the teaching of contemporary political controversy, one should realize that once a problem is classified and described, even in a tentative way, the student is already predisposed to deal with it as the writer or teacher has seen and presented it. This is unavoidable. The teacher, therefore, would do well to have a general conscious analytic as well as organizational framework by which to evaluate the relevance and importance of specific materials of instruction. Even when we explicitly decide to deal with content as "controversial" and therefore seek to present the various sides of an issue, we are not necessarily immune from bias or distortion. The problem of the instability of Central Europe, for example, which has plagued the Western world for the last 90 years would be framed and taught quite differently by a Russian, a German, or a Pole, although all would agree that it was controversial and that there was a problem. Social and political problems begin in the emotional reactions and minds of people, not within an analytical framework. It is only after they exist that we build intellectual structures by which to understand and resolve them. The description of a problem should flow initially from this fundamental source of controversy. It is only by keeping, to some extent, the analytical frame separate from the original intuitive conception of the problem that we can discover when the frame is inadequate.[1]

We are thus faced with something of a paradox in building a curriculum. We must have a framework so that we can construe problems, so that they can be analyzed and dealt with. But the framework tends to predispose us to include some aspects of the problem, and to exclude others. It should be clear that although we hope to teach the student our particular frame of reference, we must be alert to the fact that as this is taken on by each student, it will be modified to meet the idiosyncracies of each student's personal history. This, of course, is the basic corrective in any ethical theory designed for instruction in political controversy: it can be communicated or taught only imperfectly, which allows for growth and change in the ideology itself, as each new mind struggles to comprehend it.

---

[1] Communists often have difficulty discovering the inadequacy of their ideology because they refuse to encompass those aspects of a problem which the ideology cannot handle. For example, African nationalism and anti-colonialism may both play important parts in the belief system of modern Africans, but because Marxist-Leninism can more easily handle the issue of anti-colonialism than rising nationalism, the problems of modern Africa tend to be distorted in this direction by the Communist thinker.

In its dedication to the accurate description of events, history and the social sciences to some degree may transcend ethical frameworks. For it is with disciplined historical thinking that we hope to get to the essential character of situations, into the minds of people, and thus to describe problems as they "really are." But of course each social scientist, each historian, dealing with the same complex material is preconditioned by his own frame of reference. It is only that his problems begin or should begin with a concern for truth rather than with a concern for the justification of a policy that we look to him for correction.

In our own approach, we should emphasize, it is clear that we look at problems as conflicts between social values; and that, as such, they take place both within the individual American, and between individuals and groups. And although we have tried to guard against distorting reality in order that problems can be understood and more easily handled within this framework, our identification and analysis of problems will inevitably reflect this way of looking at political controversy.

Specific Problem-Topics

With these words of warning, let us describe a set of problem areas and some specific units or topics implied by each area, admitting from the outset that it is neither systematic (in the sense that it evolves from some overall theory of social conflict) nor exhaustive. The major purpose of the outline is to demonstrate a way of organizing problem areas, and deducing from this organization what specific instructional materials are needed to teach the areas. The scheme is based on a problem-topic approach; the student studies the history of a single topic or problem from its first acute symptoms to its contemporary manifestations. Table One presents an outline of problem areas, topics, and the value conflicts implicit in each. An obvious point brought out by the table is the overabundance of problem-units that can conceivably be treated in a regular high school social studies program. (Our own experience indicates that it takes from three to six weeks, at a minimum, to provide a one shot treatment for such a unit.) There must, therefore, be even more selection than is suggested by the outline. We cannot teach the student the historical background of all the problems he must face as a citizen, say nothing about teaching him all "history" in general. This is a sobering thought, unless we posit a general teachable trait called a "sense of history"; and there appears to be little evidence to support its existence, except among professional historians.

IDENTIFICATION OF GENERAL PROBLEM AREAS

Problem Areas	Unit Topics	Conflicting Values*
Racial and Ethnic Conflict	School Desegregation Civil Rights for Non-Whites and Ethnic Minorities Housing for Non-Whites and Ethnic Minorities Job Opportunities for Non-Whites and Ethnic Minorities Immigration Policy	Equal Protection Due Process Brotherhood of Man vs. Peace and Order Property and Contract Rights Personal Privacy and Association
Religious and Ideological Conflict	Rights of the Communist Party in America Religion and Public Education Control of "Dangerous" or "Immoral Literature" Religion and National Security: Oaths Conscientious Objectors Taxation of Religious Property	Freedom of Speech and Conscience vs. Equal Protection Safety and Security of Democratic Institutions
Security of the Individual	Crime and Delinquency	Standards of Freedom Due Process vs. Peace and Order Community Welfare

*The "vs." in the listing of values suggests that the top values conflict with the bottom values. While this is generally true, there are, of course, many exceptions. One can argue, for example, that a minimum wage law was a violation of property and contract rights and that it also was against the general welfare.

Problem Areas	Unit Topics	Conflicting Values
Conflict Among Economic Groups	Organized Labor Business Competition and Monopoly Overproduction of Farm Goods Conservation of Natural Resources	Equal or Fair Bargaining Power and Competition General Welfare and Progress of the Community vs. Property and Contract Rights
Health, Education, and Welfare	Adequate Medical Care: for the Aged for the Poor Adequate Educational Opportunity Old Age Security Job and Income Security	Equal Opportunity Brotherhood of Man vs. Property and Contract Rights
Security of the Nation	Federal Loyalty-Security Programs [Foreign Policy]*	Freedom of Speech, Conscience, and Association Due Process Personal Privacy vs. Safety and Security of Democratic Institutions

---

*This topic obviously should be the center of a new curriculum, extending our analysis of domestic problems. It might consist of a wide variety of subtopics, such as disarmament, the uncommitted nations, the stablization of Central Europe, the underdeveloped countries, etc. Such a curriculum would have to deal with a totally new problem: the relationship between power and law in the international scene. This problem is handled in our curriculum by the concept of constitutionalism and its subsidiary legal concepts. There is, however, no general constitutional framework within which world problems can now be worked out.

In selecting specific problem units from among the total list, a number of useful criteria come to mind: (a) the teacher might select topics that seem most critical on the contemporary scene; (b) the teacher might select topics which are least understood because of the geographical area or the type of student body he teaches; (c) the teacher might select topics which he is personally most competent to handle; (d) the teacher might first select topics which are less complex, and work toward greater complexity, insofar as this can be determined. There are certainly many more criteria that one could identify and defend. These four are meant only to be suggestive.

Selecting Specific Materials of Instruction

There is, of course, a very great leap from the point of selecting a general course of instruction or selecting specific units of instruction to the point of selecting actual documents, films, or other sources which will be presented to the student. We might also distinguish here between materials of instruction and the dialogue between the student and the teacher based on these materials. The student-teacher dialogue will be discussed systematically in Chapter Ten. Here we are concerned with the kinds of materials which might be presented to and observed by the student as they relate to the more general objective of teaching about a specific contemporary problem.

To discover types of instructional materials necessary to lay the foundation for a critical political judgment, we first asked ourselves what information and commitments the student is likely to bring to a discussion, what information must we give him before a dialogue can begin, and what additional information is he likely to need or seek as he gets deeper into a problem. Certain obvious distinctions in types of materials became apparent as we discovered that simply "presenting" the issue was an extremely difficult task, which could not be handled by a single type of document. (Our first impulse had been simply to use "cases.") Two reasons prompted us to divide the job among different types of documents. First, teaching the student to handle specific historical events within the context of broader ethical and social science principles as well as requiring that he evaluate the principles in the light of the events they are presumed to interpret suggests immediately that we use materials with varying levels of abstraction and specificity. Second, we found it difficult to meet the competing demands of complexity and saliency. A political issue must be presented as personal, relevant, and salient to the student if he is to become sufficiently concerned to want to handle it or structure it in his own mind. And yet we want him to see the problem in broader, more complex terms than those which will appear relevant or important at first encounter. These points are illustrated in the different types of materials described below.

1. Materials to effect empathy and emotional impact. Political and social problems begin in the emotional reactions of people to concrete situations, and it is only then that they begin to reflect about these reactions. It is therefore not enough to "tell" the student how others conceptualize the problem or how others have reacted to problem situations. He must see the controversial situation in as realistic a setting

as possible, and he must experience, at least vicariously, the emotional reactions of the antagonists in the problem situation. We have found materials most appropriate for this purpose tend to be in art form, including, of course, fiction and history. The main requirement of empathic materials is that they be highly personal so that the student can identify with individuals who are actually involved in the problem situation. Labor-management relations, for example, which must be discussed in such terms as labor union, union security, strike, unemployment, union intimidation and the like must have as referents concrete situations as well as abstract definitions. Moreover, it is this type of material that helps to bridge the gap between the artificial culture of the school and the real problems of the society. For an empathic case to have appeal it must have relevance and a ring of authenticity for the student.

2. Materials for conceptual social science orientation. Before a student can intelligently develop a position in a controversy, he must certainly become familiar with its broad historical, sociological, economic, and political background, as well as the technical language in which this background may be presented. In discussing race problems in America, for example, the student should know the distinction between race and culture, the differences between the Negro and the white which are attributable to each, and sufficient psychological and sociological conceptual background to evaluate controversies over which characteristics may be attributable to race and which may be attributable to culture. Furthermore, the student obviously should know why and under what circumstances the Negro came to America, and something of the bitter sectional rivalry culminating in the Civil War and Reconstruction Period which revolved around the Negro's destiny on this continent. It is more likely, however, that much of the background of a problem cannot be presented before the student is allowed to discuss an issue in a controversial context. A cyclical model is probably more appropriate. The student is provided with historical-conceptual information around some facet of a general problem. He is then required to adopt and defend a position with respect to the issue, after which he realizes that his position must be modified in the light of new information presented by the teacher or others in the group (and in this context he learns new information). He also comes to realize that his position might be strengthened if he could gain additional kinds of information, so he embarks on the search for such information. Thus the student's position would become more qualified and sophisticated as he seeks out new information to support an initial position. The corrective for the student who seeks only that information which supports his own biases is the teacher and students who have different biases, which is, of course, the basic function of the classroom as a "free marketplace of ideas."

3. Conceptual case material. The purpose of conceptual case material is to provide specific referents for general ethical or social science concepts. The term "collective bargaining" for example, describes a complex set of procedures, and is often related to such concepts as "strike," "strike settlement," or "union contract." While it is

possible to describe the general characteristics of these terms, it is doubtful that the concepts can really be understood before the student has actually seen the total procedure in operation. Specific cases can provide examples of such a complex procedure.

It is possible, of course, for conceptual case materials to be either simple and brief or elaborate and complex. Conventional textbooks are sprinkled with brief examples of general conceptual information. Characteristically, however, the brief examples given in textbooks are not sufficiently detailed to handle the complexity of many of the concepts which must be understood to handle social and political problems.

4. The controversial case. The controversial case is a description of a specific situation about which there are controversial ethical, legal, factual, or definitional interpretations. These cases may be classic historical or legal situations, like Plessy v. Ferguson in race relations, or the Wagner Act or Kohler Strike in labor relations. Or they may be short stories or fictionalized accounts of situations, which express the essential nature of societal controversy, e.g., The Animal Farm. These cases are designed to focus the student directly in upon a controversial dialogue.

A controversial case, in its actual writeup, may contain elements of historical information as well as emotional impact. We have found, however, that when it is heavily loaded with value imagery, the student tends to be so emotionally moved that he is in no position to discuss anything. Likewise, when a great deal of factual information is placed in the case, it may become so long and cumbersome and dull, that the student loses sight of the specific controversy on which he will presumably take a position.

5. Take-off materials. The general teaching model within which we have operated gives the dialogue a central position. While initially the student is given information which allows him to empathize with antagonists who differ over a political or social issue which will allow him to understand the background and circumstances surrounding the issue, the point at which "teaching" takes place is the point at which the teacher begins a dialogue with the student. We assume that the ultimate purpose of teaching, however, is to make the student independent of the teacher. Specifically the student should learn to carry on a dialogue or argument and counter-argument with himself. He should learn to question his own statements, as well as statements made by others outside the classroom. The implications of this position for instructional materials are obvious: the student must learn to seek out newspapers, including both news accounts and editorials, magazines, journals, books, and TV and radio accounts presenting positions which lend themselves to critical evaluation. When the student does this spontaneously without prodding from the formal sanctions of school, we may say that he has arrived at take off.

General comments on materials. While we have found it useful to identify how various types of materials function as the basis of a dialogue which revolves around a political judgment, it is obviously only a crude first step. Other problems immediately present themselves.

1. Through what media, for example, can different types of materials best be presented?

2. Is it possible to present all of social science conceptual materials through programmed instruction, and is this the most efficient way to do it?

3. Although film and TV undoubtedly present case material more realistically, are there special problems of distorted emphasis because of the very power these media possess?

At our present level of pedagogical knowledge, answers to these questions are simply not available, and decision must be made on the basis of intuitive clinical knowledge.

There is, however, a more serious problem than those associated with the selection and organization of a battery of materials designed to fit the specifications of a particular problem framework. This arises from the teacher's ability or inability to comprehend the relationship between teaching materials and how these materials are to function as the basis of a controversial dialogue. Unfortunately, our experience indicates that teachers are constantly prone to use the information and conceptual structure present in the materials themselves as the basis of student discussion rather than to think through and operate from a broader framework. It is common, for example, for teachers to use controversial cases in the same way as emotional impact cases -- both as simple motivational devices. Such cases are rarely followed up by finding out where the student stands in the controversy, what kind of analytic skills he uses to defend and justify his position, and what additional information he needs to strengthen his position. The notion that a "good curriculum" defined as carefully sequenced materials of instruction embedded in carefully worked out unit outlines will somehow lead to "good teaching" is, we think, naively optimistic. The model of teaching we are presenting here comes to life only when the student reacts to a challenge -- when he encounters the teacher or other students in a critical dialogue. And, unfortunately, we have found few teachers who will risk engaging the student and challenging him with such a discussion.

The Order of Units in a Course and the Order of Controversial Cases in a Unit

Several obvious standards can be used to order a series of specific units. Units can be taught when a particular issue is "in the news." A labor unit might be taught when there was a local labor dispute or a protracted national strike. This would allow the teacher to capitalize on local resources or current newscasting. (We know, however, of an example when a labor unit was not taught because of the bitter feelings in the community over a local strike.) In our own experimental work we have placed the units within a broad historical setting, and allowed chronology to dictate roughly the order of the units. In this scheme, the general problem of cultural and political revolutions is treated as an extension of the American Revolution; school desegregation is treated as an extension of preCivil War tensions, the Civil War, and Reconstruction, labor management relations, fair standards of business competition, farm problems, immigration, the "final solution" to the Indian problem are all treated in the wake of the history of the rapid industrialization of the country in the latter part of the nineteenth century. The 20's, the Great Depression, and the New Deal are treated separately as a historical crisis. The problem of the internal Communist threat and the indirect pressure this places on civil liberties is treated as a modern problem. The topic-problem and historical crisis organization of content can thus easily be fitted into a conventional history course. Whether or not this is desirable, of course, is another question. The rationale for our decision was partly convenience: it was more in line with the expectations of children and parents, and partly from the conviction that the broad chronological framework does give the course additional meaning. However, we cannot here make any strong case for any particular overall organization of criterion, since there is so little systematic evidence on this point.

The order in which one presents specific documents, especially controversial cases, within a single unit is another matter. Again we have relied mainly upon a chronological organization. In school desegregation, for example, there are four major phases in the development of the unit: the events leading up to legalized segregation; the separate-but-equal doctrine, its implementation, and the evolution of the meaning of the legal concept; the Supreme Court decision of 1954; and efforts to implement the decision. The unit on labor-management relations is similarly organized.

The Controversial Case in the Unit

The most important element of the unit is, of course, the controversial case. To explain how the controversial case is organized in terms of specific lesson plans an illustrative case is given below, along with the lesson plan on which the teacher might base a discussion. The case is called "Little Rock, Part I" describing the first major incident in the South's attempt to implement the Supreme Court's Brown ruling.

LITTLE ROCK I

Little Rock is the capital and largest city of Arkansas. Its population is about 120,000, one-quarter of which is Negro. In many ways it is like a typical Southern city. Negroes and whites have separate hotels, restaurants, theatres, swimming pools, and golf courses. In the last twenty years, however, there has been less and less segregation. In 1956, segregation on buses ended. The Arkansas public colleges and medical school admit Negroes. City hospitals let in people of both races.

The people in Little Rock boast that "they are the friendliest people on earth." Many visitors agree. Most people there are against integration but think it will come, sooner or later. The people in Little Rock are almost all against the use of violence. They say it goes against the Bible.

In 1955 the Little Rock School Board decided on a plan for gradual integration of the schools. The white high schools would accept a few Negroes in 1957. The junior high schools would be integrated in 1960, and the elementary schools in 1963. The NAACP went to court saying that the plan was too slow. In April, 1956 the Federal Court decided that the plan met the requirements of "all deliberate speed," and approved the plan. This meant that integration would start when school opened on September third.

On August 29th a group of white citizens went to the local state court. They asked the court to prevent school integration. One of the witnesses was the Governor of Arkansas, Orval Faubus. He testified that there would be riots and bloodshed if the schools let in Negroes. The judge agreed and ordered the city not to integrate.

On August 30th, the Little Rock School Board went to the Federal Court. They disagreed with Governor Faubus and asked the court to overrule the state court decision. The Judge, Ronald N. Davies, did just that. He ordered the citizens of Little Rock not to interfere with integration. The stage was now set for the dramatic events of the next three weeks.

On Monday evening, September 2nd, most of the people in Little Rock tuned in their television sets to hear their governor make a speech. Governor Faubus spoke slowly, quietly, and seriously. He said that if the schools integrated on Tuesday there would be serious trouble. To prevent trouble, he had called out the Arkansas National Guard. He said that he was doing this not to prevent integration but to keep law and order. He read the telegram he had sent to Major General Sherman T. Clinger, Commanding Officer of the Arkansas National Guard. The order read:

> "You are directed to place off limits to white students those schools for colored students and to place off limits to colored students those schools heretofore operated and recently set up for white students. This order will remain in effect until the demobilization of the Guard or until further orders."

The members of the school board were stunned by this news. They called a special meeting for right after the telecast. At the meeting they decided to ask the Negro children not to try to attend Central High School in the morning.

Tuesday morning, September 3rd, was hot. When the 1900 students of Central High returned to school they saw a strange sight. Surrounding the school were 270 soldiers in full uniforms. They wore shiny helmets and carried bayonetted rifles, clubs, and gas masks. No Negro students showed up and there was no trouble.

Later that day, there was a hearing in Judge Davies' federal courtroom. He ordered the school board to forget the soldiers and let the Negroes enter the school.

On Wednesday morning, September 4th, nine Negro students decided to try to attend Central High School. There was a crowd of about 400 people in front of the school building. As the Negroes approached the school someone yelled, "A nigger! They're coming! Here they come."

The crowd surged forward. There was yelling and screaming. People cursed and spat. The Negro students continued their quiet and serious walk. Fifteen-year old Elizabeth Eckford was the first Negro to reach the school entrance. A soldier brought his rifle up and barred the way. Elizabeth was trembling with fear and close to tears. She turned and started to walk away from the school. As she walked back to the bus-stop, the crowd yelled and jeered at her. Some people looked as if they were going to hit her. She finally reached the bus-stop bench and sat down. She burst into tears.

The other Negro students were also forbidden to enter the school. The soldiers kept order and the Negroes left without any fights. When the Negroes were gone, the crowd gradually melted away.

The F.B.I. began an immediate investigation on instructions from Judge Davies. This made Governor Faubus angry. He sent a long telegram to President Eisenhower. In this telegram, the Governor protested this "interference." He said that it was his duty to keep law and order. He asked the President for cooperation and understanding. The Governor also charged that his telephone was being tapped.

On Thursday the President, who was on vacation in Newport, Rhode Island, replied to Governor Faubus' telegram. Mr. Eisenhower denied that the F.B.I. was tapping the Governor's phone. He also said, "The Constitution will be upheld by me by every legal means at my command."

On the same day the school board went back to Judge Davies' court. They asked the judge to postpone integration temporarily because of all the excitement. The judge refused to do this. He ordered the school board to integrate Central High School. He pointed out that the Mayor of Little Rock, Woodrow Wilson Mann, had said that the local police could take care of any trouble.

During the next week, the National Guard remained on duty outside Central High School. None of the Negroes tried to enter. Governor Faubus said that he had evidence that there would be serious riots if the National Guard were removed. President Eisenhower kept in close touch with events. The F.B.I. continued its investigations. There were rumors that Federal troops would be sent in to force integration in Central High. On September 11th Governor Faubus sent a telegram to the President asking for a conference on the matter. Eisenhower agreed and a meeting was set for September 14th.

On September 14th, Faubus flew to Newport to see the President. After their meeting, both men seemed happy. They said that the court decision would be respected but gave no details on any agreement.

The people who thought this meant the National Guard would be taken away were disappointed. The soldiers remained on duty and no Negroes tried to enter the high school. The Governor gave no hint as to when he might remove the soldiers.

On September 20th Judge Davies called in the lawyers of the state of Arkansas. He ordered the Governor and the National Guard commanders to stop preventing Negroes from entering Central High School.

That night Governor Faubus went on the radio. He criticized Judge Davies' decision but said he would obey it. He ordered the National Guard withdrawn. The Governor asked the people to remain calm and to avoid violence.

Although the National Guard had left, the high school was still guarded on Monday, September 23rd. This time it was guarded by a strong detail of city and state police. In addition, there was a crowd of about 500 people when the nine Negro students arrived at the school.

The crowd was a hysterical and shrieking mob. The police could not hold the crowd back. The mass of people swarmed all over the building, yelling and cursing. "We'll lynch them all!" some yelled. "Where are those niggers?" others screamed. "We'll never let them get in!"

At 8:45 four of five Negro newspapermen started walking toward the front door of the school. The crowd, mistaking them for the students, gave out a yell. They pounced on the four men, punching and pushing them. One reporter was jumped upon and beaten. While this was going on, the nine Negro students calmly slipped into a side door and entered school.

This enraged the crowd which had now grown to 1000 persons. They became hysterical. People were howling and crying. Some people shook with uncontrollable rage. The police were now completely powerless.

Soon white students began leaving the school. There were rumors of severe fighting going on inside the building. The crowd got larger and nastier. One policeman took off his badge and joined the crowd. There were attempts to start a mass rush into the school.

Finally, at noon, the Mayor gave in. He decided to remove the Negro students because of the danger of even worse trouble. The Negroes were taken out by the back door and driven away unharmed. The chief of police announced to the crowd that the Negroes had left. The mob refused to believe him. A few people went inside and thoroughly searched the building. They came back and told the crowd they had found no Negroes. Only then did the crowd start to leave.

That evening, at 6:23 Eastern Daylight Time, President Eisenhower made a formal proclamation. He ordered the people of Little Rock to stop preventing integration. He said he would use any force that was necessary to carry out the orders of the Federal Court.

No Negroes showed up for school on September 24th. There was a big crowd on hand, though this time it was much quieter. At 10:22 A.M., Little Rock time, the President ordered United States soldiers into the city to enforce integration. Five hours later, members of the famous battle-hardened 101st Airborne Division began to arrive in Little Rock. They moved quickly and efficiently to set up positions around the school. The city was quiet and grim.

In the morning, the Federal soldiers took firm command of the situation. Heavily armed troops were stationed at all important points. The soldiers wore helmets, carried clubs, and rifles with bayonets. The soldiers were instructed to break up any trouble immediately.

Somebody yelled, "The South has been occupied."

Another yelled, "Put down that rifle and I'll take you on!"

A woman screamed, "They're trying to cram this thing down our throats."

A larger crowd started to form at one point. A lieutenant shouted orders. Immediately a platoon of soldiers arrived in double-time. They pushed the crowd back. One man refused to move. A tight-lipped soldier jabbed his bayonet into the man, C. E. Blake, a railroad worker. Blake still refused to move. He grabbed at the rifle and tried to push the soldier away. Suddenly, a rifle butt came crashing down on his head. Blake went down with a blood-stained forehead. The soldiers moved on.

A hundred yards away from the school another small group refused to move away. Lieutenant William Ness looked at the crowd for a moment. Then he said, "Either you move or we'll move you." The crowd moved.

At 9:22 A.M. the air was filled with screaming sirens. Racing down the street was a huge Army limousine escorted by jeeps loaded with armed soldiers. The vehicles stopped in front of the school. Nine Negro students guarded by heavily armed United States soldiers entered the school. A squad of soldiers also went in to prevent trouble inside the school.

There was no serious trouble outside the school. Whenever anyone started anything they were quickly moved out or arrested. The Army was firm and tough. There were stories that there was some trouble inside the school. Some said the Negroes were cursed at, tripped, and shoved around. The Negro students denied all this.

There was no further serious violence during school year '57-'58. A few white students were expelled for starting fights with Negroes. But, outside the school the Army kept tight control. The number of soldiers on duty there was gradually cut. However, most people agree that Central High School has Negro students only because there were heavily armed U. S. troops stationed there. Many people believed that if they had been removed, there would have been more riots and fighting.

REFERENCES

"Another Tragic Era?" in U. S. News and World Report, October 4, 1957, pp. 33-69.

"Little Rock Arkansas" in The News of Week in Review, New York Sunday Times, September 8, 1957, p. 1.

"Mixed-School Issue Comes to a Head" in U. S News and World Report, September 13, 1957, pp. 27-30.

New York Times, September 24, 1957, pp. 1, 18.

ILLUSTRATIVE LESSON PLAN

LITTLE ROCK I

I. BACKGROUND QUESTIONS: ORIENTATION TO CASE

1. In what year did the school crisis take place?
2. Compare the percentage of Negroes in Little Rock to those in some of the other cities about which we have studied.
3. What are some of the segregation practices in the city?
4. What reason did Gov. Faubus give for not wanting to integrate the schools?
5. Over what court did Judge Davies preside?
6. Why were U. S. soldiers sent into Little Rock?

*II.. VALUES: This case illustrates several important governmental principles.

1. Can you name some of the principles involved?
2. We shall focus on the dilemma of Peace and Order v. Equality.

   Which principle is Gov. Faubus upholding? Which principle are the Negroes upholding?

III. CHALLENGING THE STUDENT'S POSITION WITH ANALOGIES

1. Analogies emphasizing fair treatment at the risk of violence
   a. Should we have fought the American Revolution? After all, that meant resorting to violence, e.g., the Boston Tea Party.
   b. Should this country have gone to war in 1941 against Germany? Is it worth fighting a war simply to guarantee freedom to somebody?
   c. Some nasty kids keep interfering with your ball game. You tell them to leave you alone in a nice way. If they refuse, do you have a right to start a fight with them in order to protect your right to play the game?

2. Analogies emphasizing the importance of peace and order at the expense of human rights.
   a. You are all dressed up going to church. You see a big boy picking on a smaller boy. You know if you start a fight, you might lose and will get all dirtied up. Would you start a fight with the big boy to protect the smaller boy?
   b. Communist China is interfering with the rights of the peaceful Tibetans. This is a small country thousands of miles away. Should we start a war with China and risk hydrogen warfare over Tibet?

---

*These questions are optional, depending on the level of sophistication of students.

IV. IMPORTANT FACTUAL ASSUMPTIONS BEHIND CONFLICT

1. Will there actually be violence and civil strife if desegregation of the schools is attempted?
2. Will the violence be caused by the fact of desegregation rather than by radical or extremist groups who might be only a small minority? (Was the violence in Little Rock caused by Faubus or by the original court order?)
3. Are Negroes actually being denied their equal rights under segregation? That is, do they get an inferior education?

V. DEFINITIONAL PROBLEM

Governor Faubus claimed that if integration took place, there would be violence. What is "violence?" Is the intimidation of the Negro violence? Is simple increase in racial tension violence? Are large and noisy meetings of extremist groups violence?

VI. A PROBLEM OF PREDICTION

Gov. Faubus made the claim that if integration took place there would be violence. How would you go about testing this claim in advance of the actual integration?

Three Qualifications Regarding the Problem-Topic Unit Organization

Before reading over the unit outline and the description of materials, we should point out three qualifications to which the reader should be alerted.

1. It is Impossible to Make the Student a Sophisticated and Competent Observer of a Complex Issue in the First Instructional Go 'Round Through Such an Issue

We are lucky if we can sketch the broad outlines of the major issues. Moreover, because we use a great deal of specific case material, the possibility of inadvertently misinforming the student through misplaced emphasis or omission of important facets of a problem is a real danger. In short, one makes a calculated guess that it is better to risk distorting certain issues in order to present them in a realistic vivid setting so that the issues will have personal meaning for the student than to present the issues in an objective analytic way and never make contact with the student's own frame of reference. We have to work, moreover, with a second limitation: After studying an issue from four to six weeks, the student becomes saturated with the problem and rapidly loses interest. The first three weeks of a unit are, therefore, critical; and the amount of material selected for teaching ordinarily cannot exceed these boundaries. Ideally, in a curriculum of the type we have suggested in this report, topics would be treated several times over the course of several years, each time with greater depth, complexity, and comprehensiveness. And through all the units would run the more powerful concepts of the social sciences as well as classic situations for historical, political, and ethical analysis.

2. The Need for Dual Criteria in Evaluating Units

In reading over the outlines and the description and organization of materials for these two illustrative units, we would emphasize the dual criteria by which the units should be evaluated.

1. The unit should convey a reasonably accurate impression of the nature and emphasis of the problem.
2. The materials should provide a useful vehicle for teaching the conceptual and analytic skills by which the student can more intelligently handle similar problems.

The first criterion of adequacy must be handled by historians, social scientists, and experienced observers of the contemporary scene. The second criterion must be handled by research into the process of instruction, and, in the absence of such research, by the best insights of a sensitive intelligent teacher. This points up the increased responsibility placed on the teacher who uses this approach. The teacher is responsible not simply for teaching a catalog of factual material; he is responsible for teaching a complex analytic process. To meet this challenge he may be given a variety of "documents," including films, short stories, pamphlets, magazines, and texts.

The length of time a teacher spends on a document, the organization of the documents for teaching, the choice of which documents to omit and which to stress -- these decisions depend upon the nature of the student and the nature of the instructional situation, e.g., the number and type of students in the class, the amount of time one has with the class, etc. In summary we wish to caution the reader that the unit outlines, the selection of the materials of instruction, and the organization of the materials of instruction are more or less arbitrary intuitive attempts to give meaning to a general approach for teaching the analysis of political controversy. The validity of the approach and the adequacy of the materials should be treated as two different questions as should the validity of the materials and their pedagogical appropriateness.

3. The Materials of Instruction as one Component in a Broad Approach to the Teaching of Contemporary Issues

Above we have considered the kinds of materials necessary to implement a particular approach to the social studies. The following unit outlines will illustrate how specific units might be organized and developed. In reading over these materials it is, perhaps, too easy to conclude that the approach consists mainly in teaching a little different content with a little different emphasis. We should remind the reader at this point that the approach includes much more. It includes a set of ethical-political-rational concepts which must be taught through the materials. It includes a type of dialectical interchange between student and teacher and between students. It includes a particular emphasis upon the evaluation of oral interaction as a process of assessing student progress. In a very general way the approach is well described by Myrdal:

> By this democratic process of open discussion there is started a tendency which constantly forces a larger and larger part of the valuation sphere into conscious attention. More is made conscious than any single person or group would on his own initiative find it advantageous to bring forward at a particular moment.[1]

With this goal in mind, it should be emphatically stated that the "content" or the materials of instruction which specify the content are only one component of the approach suggested in this report. It must be clearly understood that our concern is not for issues or problems in the abstract; our concern is for issues as they exist and may be clarified in the minds of individual citizens. We do not teach the problem; we do not teach the issue; we do not teach points of view about the issue; we do not simply teach the background of the issue. Our purpose is to encourage the student to explore a controversial area, to find out where he stands in the controversy, to find out how he might best defend his position in terms of the values of his culture and society, taking into account the realities of the situation that confront him. It is therefore impossible to bring the teaching of this material to life in the form of a unit outline of abstract issues or even with concrete materials of instruction. The approach has life only when an individual reacts to a challenge. Instruction begins, not when one begins to read about the problem but when the student begins to react, and more precisely, when the teacher begins to react to the student. Some sense of this interaction process, which is more at the heart of the approach, may be seen in the following annotated excerpts from a student-teacher dialogue.

---

[1] Gunnar Myrdal, An American Dilemma (New York: Harper and Brothers, 1944), p. 1029.

	Dialogue	Annotation
Tcher:	What do you think Steve?	
Steve:	I think that the police power of local government can go only so far, that the Constitutional rights of voting -- maybe the Negroes should have them.	
Tcher:	Negroes should have the right to vote, even though there may be all kinds of violence and resistance. We should send troops into the South and protect every individual's right to vote?	The teacher suggests that providing voting rights may threaten a second important value; the safety of the community; and this in turn may threaten local control by the States, if federal intervention is required to keep order.
Steve:	I'm not saying that. I don't think it would get that far -- that we would have to send down troops.	Questions factual assumption of teacher. The teacher can, at this point, choose to debate the factual assumption, or treat the assumption hypothetically and clarify the value commitment of the student.
Tcher:	But what if it did go that far?	The teacher chooses the latter course.
Steve:	Probably; yes.	
Tcher:	Suppose people called Negroes on the phone who intended to vote and said, "If you vote tomorrow, something might very well happen to your kids." Do you think we should send the FBI down there to investigate these intimidations?	The teacher modifies the hypothetical situation to determine the point at which the student's position will change in favor of local control, and against federal intervention. He is shifting the meaning of "violence" to do this.
Steve:	No.	The student reverses his position with the shift in the situation.
Tcher:	Why not?	

	Dialogue	Annotation
Steve:	If the threat is carried out; then I would send down troops or the FBI.	The student is aware of the reversal of his position and explains the essential criterion determining the reversal: overt use of force to prevent the Negro from voting. The student has qualified his position.
Tcher:	After something has happened to the courageous Negro's family, then you would send someone down to stop it.	Emphasizes the negative consequences of the student's position.
	You don't go along with the notion that if there is an atmosphere of fear and intimidation that we should do something to change the atmosphere so that people will be free to vote. We shouldn't do anything until there is actual violence?	The teacher now raises the definitional question: Do we have to commit an act of physical violence against a person before we have violated his rights. Is threat of violence, to some degree, also "violence."
Steve:	In the case of Negroes, yes.	
Tcher:	Why?	
Steve:	Because I don't want to give them the complete power to vote. This is taking a little of it away.	
Tcher:	You want to deny some Negroes the right to vote, a right you are willing to give all whites?	
Steve:	Yes.	
Thcer:	Why?	The student is operating with two categories of citizenship. The teacher is here asking him to justify classification on the basis of race.
Steve:	Because I feel that Negroes are inferior to whites.	Children are classified differently from adults and denied full rights of citizenship. In a sense it is because they are "inferior."

	Dialogue	Annotation
		This response does have a rational component which the teacher feels obligated to explore.
Tcher:	In what respect?	
Steve:	In intelligence; in health; in crime rates.	The student states the criteria on which his classification is based.
Tcher:	You are suggesting that if a person is tubercular or sick, you should deny him the right to vote.	The teacher is here challenging the relevance of a criterion on the basis of which the student is making his classification.
Steve:	No.	
Tcher:	But if a Negro is sick we don't let him vote?	
Steve:	Let him vote, sure. It is just that I think they are inferior for these reasons. I'm not saying because of these reasons I'm not going to let him vote.	At this point the student has contradicted an earlier position.
Tcher:	Then for what reasons aren't you going to let them vote?	
Steve:	Because I think they are inferior because of these reasons. (Student then laughs self-consciously, aware of his inconsistency.)	

* * *

A dialogue such as this embodies some of the major elements in our previous analysis, and illustrates the ancillary function served by materials of instruction. The focus of the curriculum is upon the way the student looks at political problems, which explains why the dialogue is in the center of our thinking. For the dialogue serves two functions: it reveals the implicit framework of the student, and it allows the teacher to intervene in the functioning of this framework, to add elements and clarify inadequacies in the framework. Materials of instruction may also serve the same functions, but only to the extent that the student can learn to approach them in the same critical fashion by which he approaches the teacher's challenge. It is this dynamic conception of materials of instruction that we hope to communicate to the reader before he reads the unit outlines which follow, or the units themselves contained in the Appendices of this chapter.

The Unit Outlines

Although the selection and organization of materials into a unit of instruction is probably based mainly on intuitive decisions, we have tried here to make the basis for some of these decisions more explicit. In a further effort to clarify the bases of our own decisions, an outline of the organizational structure and the actual instructional materials for two teaching units are presented below. The major reason for presenting two such units is to demonstrate that the approach is not idiosyncratic to one particular issue which happens to be sociologically oriented (school desegregation), or to another issue which happens to fit more easily into an historical framework (labor management relations). While racial issues are more consistent with the kind of problems considered in the problems of democracy course (in which the emphasis is usually placed on intercultural understanding and the nature of prejudice) and organized labor is commonly treated in the "rise of industrialization" in American history courses, we wish to demonstrate that both issues can be treated within the historical problem-topical approach described above.

The outline for each of the two units constitutes a logical analysis of some of the major issues with which the students might grapple. Although it is obviously impossible to compile an exhaustive list of such issues, it is important to have some of the major issues identified and worked through in outline form before the teaching actually begins. Controversial cases provide the basis for the analysis of these issues. All other materials lead up to or depend on the controversial case for their relevance to the unit. Some controversial cases lend themselves best to a single issue; some cases can be used in the discussion of several issues.

In addition to outlining major legal, political, or ethical issues, two other kinds of planning are important. First, it is useful to anticipate the pattern of intellectual analysis which the teacher will require of the student in the discussion of a particular case. This kind of planning is important because it determines the strategy of questioning which may be used by the teacher to lead the student to handle the issue. The teacher may, for example, use one line of questioning to determine which of two conflicting values ought to be given priority; he will use another line of questioning in challenging the student to discover whether or not any value has been violated; he will use a third line of questioning to test the factual assumptions behind alleged value violations or value conflicts. Second, if the teacher intends to focus on a legal-ethical issue or a definitional issue, it is useful to have developed a number of real or hypothetical cases or analogies which can be compared and contrasted with the controversial case under discussion. As we pointed out in Part Two, analogies are often a critical feature of value analysis and clarification, and they are sometimes difficult to discover or invent on the spot, although this is commonly done.

CHAPTER NINE, APPENDIX A-1

OUTLINE OF A TEACHING UNIT ON SCHOOL DESEGREGATION

Outline of a Unit on School Desegregation

I. The Central Issue

Which right should we support? Does the Southern white have the right to control what races his children will associate with in the public schools; or should the right of the Southern Negro to attend racially mixed schools be assured so that he can obtain equal educational opportunities?

A. The Value Conflict: freedom of association v. equal educational opportunity

The legal conflict: States Rights v. equal protection under the law

B. Important Factual Questions Behind the Conflict

1. Do most Southern whites actually feel that going to school with Negroes seriously infringes upon their freedom of association? Would most whites feel a personal injury if they were forced to attend school with Negroes?

2. Will Negroes get an inferior education unless the Southern schools are desegregated?
Are segregated schools "inherently inferior" for the Negro?

C. Definitional Problems

1. What does "equal treatment" mean? Does it mean that each person should be treated exactly the same? Why isn't separate-but-equal actually equal treatment?

2. What does the word "associate" mean in freedom of association? Does one have to associate with the Negro when one goes to school with him? Do you associate with a person by living in the same community with him, or by walking down the same street he does?

D. Analogies to Make a Value More Salient

1. Analogies emphasizing association rights

(a) If a group of Indians moved into your town and it was known that there was a very high rate of TB among Indians, would you want them to have a special school?

(b) Is the principal right in segregating boys and girls on the playground?

(c) What if you and your friends enjoy playing football in one corner of the playground every afternoon. Several boys, who can't play very well and who are always starting fights, want to play with you. Do you have the right to exclude these boys from your game simply because you and your friends don't like them? What if this exclusion makes them feel inferior?

2. Analogies emphasizing equality rights

    (a) Suppose a doctor just doesn't like to associate with people who have dark kinky hair. Does he have the right to refuse to treat such a man who is brought to him for emergency treatment? Does he have a right to refuse him treatment for any kind of medical problem?

    (b) Suppose the majority of people in a community decide they do not want to associate in social or school activities with anyone named Smith. Smiths are not allowed to attend the large well established local high school; they are, however, given an equal education by being sent to a small rural school some 20 miles out of town. Is this fair treatment?

II. The Implementation Issue

Should a whole section of the country be forced to go through a period of increased tension, violence and civil strife in order to give the Negro equal educational rights; or should the South be allowed to work out the problem itself, perhaps very gradually, so that there will be less threat of violence and less disruption to the normal activities of the community?

A. The Value Conflict: peace and order v. equal educational opportunity

B. Important Factual Questions Behind the Value Conflict

1. Will there actually be violence and civil strife if we try and desegregate the schools?

2. Will the violence be caused by desegregation itself, rather than by radical or unstable people within the community who simply use desegregation as an opportunity to vent their pent up hostilities?

3. Can the more subtle forms of violence (economic reprisal, intimidation by anonymous phone calls, etc.) be controlled by law enforcement agencies?

4. Will both Negro and white suffer more through attempts at desegregation, than if everyone accepted separate-but-equal?

C. Definitional Problems

What do we really mean by violence? Are tensions and threats violence? Are boycotts, economic sanctions, or threats of being fired violence? Is mass picketing and jeering violence?

D. Analogies to Make a Value More Salient

1. Analogies emphasizing the importance of basic rights over violence

   (a) The American Revolution

   (b) World War II

   (c) A man is giving a lecture. Several people start shouting him down and heckling him. Do the police have a right to remove these men from the hall?

   (d) You and your friends enter a public playground. Several boys threaten to prevent you from using the baseball field. Should you go ahead and use the field, even though there may be a fight?

2. Analogies emphasizing peace and order

   (a) The Hungarian Revolution of 1956. Should we have risked atomic war to free the Hungarian people?

   (b) The seizure of Tibet by Communist China.

   (c) A store manager is enraged at a clerk for knocking over a box of cans. You know the clerk did not do it. Should you get into the argument too, especially when you know that the manager is likely to become very angry at you?

III. The Issue of Government, Law, and Higher Morality

Do people have the right to break a man-made law or ruling when they think it goes against a higher moral principle? Can the people of the South justifiably ignore or evade the Supreme Court decision on desegregation, by open or subtle means, because they sincerely believe that it is morally wrong?

A. The Value Conflict: rule of law v. freedom to obey one's conscience

B. Important Factual Questions Behind the Value Conflict

1. Under what conditions does the federal government consider that a law has actually been broken when a Southern school fails to desegregate?

2. How many Southern whites actually feel that it is morally higher to maintain segregation than to obey a federal court order? How many Southern whites feel that segregation has a deep moral basis?

C. Definitional Problems

1. What is the distinction between morality and law? Can a law be immoral? Are some immoral acts lawful?

2. What is the distinction between state law and Constitutional law? Which applies here?

D. Analogies to Make a Value More Salient

1. Analogies emphasizing higher morality over law

   (a) In the American Revolution Colonists broke English law to defend the rights of man.

   (b) Before the Civil War many New Englanders helped slaves escape to Canada. This was a direct violation of the Fugitive Slave Act.

2. Analogies emphasizing rule of law

   (a) Suppose there is an American religious group which requires human sacrifice: Should we let members of this group obey their religious conscience and practice their religion?

   (b) Suppose a religious group does not believe in war or killing under any circumstances. Should they refuse to serve in the armed forces?

   (c) Suppose a religious group believes in polygamy: Should they be allowed to practice this aspect of their religion?

IV. The Consent Issue

To what extent should people be allowed to run their own affairs within their own community or state; and to what extent should a more distant, and perhaps a more impartial, central government tell the local community what **it** can and cannot do?

__ The Federalism Issue: Does the federal government have the right under the Constitution to regulate a public school system to implement its own interpretation of equal protection for Negroes?

A. The Value Conflict: states rights v. equal protection under the law

B. Important Factual Questions Behind the Value Conflict

1. Are Negroes actually being denied their Constitutional rights? Is there anything in the Constitution which states or implies that Negroes have a right to go to integrated schools?

2. What is the Constitutional basis for the Southern claim to States rights?

C. Definitional Problems

Interpretation of the equal protection clause of the Fourteenth Amendment and the States Rights clause of the Tenth Amendment

D. Analogies to Make a Value More Salient

1. Analogies emphasizing equal protection over states rights

(a) Suppose Massachusetts passed a law requiring that everyone whose name begins with "S" go to a separate school. Should the federal government be able to ensure equal treatment?

(b) Suppose Massachusetts fined anyone caught speeding $50, unless they came from Boston, in which case they were only warned not to do it again. Should the federal government be able to ensure equal treatment?

(c) Equal representation: Should one town or community have proportionately more representatives than another town?

2. Analogies emphasizing states rights over equal protection

(a) Suppose the state decides to send delinquent and mentally defective children to separate schools. The federal government then steps in and demands that all be sent to the same schools, so that they will be given equal protection under the law.

(b) Suppose the federal government decided that boys and girls should participate in the same sports for physical education and interscholastic athletics in order to get an equal education: Should the right to make this decision be taken away from the local community?

— The Majority Rule Issue: Which "majority" can make decisions which are best for the community -- the majority within a state or the majority within the nation?

A. The Value Conflict: rule of a community by the people within the
community v.
rule of a community both by the people within
the community and by the people who constitute
the larger community.

B. Important Factual Questions Behind the Value Conflict

1. Do the majority of people within the Southern states want integrated schools?
2. Do the majority of people within the nation want integrated schools?
3. Do the Negroes themselves want integrated schools?
4. Do the state legislatures in the South fairly represent the will of all the people within these states?

C. Definitional Problems

When we say that the country should be ruled by the will of the majority, whom do we mean by the "majority?"

The majority of people on the Supreme Court?
The majority as "power" possessed by the federal government?
The majority of those people who have the power to pass a Constitutional Amendment?
The majority of voters in the whole country?

D. Analogies

See analogies under Federalism.

CHAPTER NINE, APPENDIX A-2

DESCRIPTIVE GUIDE TO MATERIALS ON SCHOOL DESEGREGATION

DESCRIPTIVE GUIDE TO MATERIALS ON SCHOOL DESEGREGATION

Title	Type of Material	Specific Function
"The Negro in America, 1600 to 1865"	historical background	A general historical account describing how the Negro came to America, the purpose for which he was brought, and the conditions under which he lived. Because this unit is ordinarily taught within the broader context of a course in American history, the document does not include the events leading up to the Civil War, the war itself, and the bitter reconstruction period that followed. This material is contained in history textbooks, and is readily available.
"School Desegregation" (a film) "Clinton and the Law" (a film) "The First Day of School" (a short story)	emotional impact	"School Desegregation" vividly portrays a KKK meeting. "Clinton and the Law" is a case study in the Southerner's mixed feelings over acceptance of segregation and obedience to the law. "The First Day of School" presents a parent's mixed feelings about her responsibility to principles of equality when these are challenged by a concern for the welfare of her own child. The functions of these documents are threefold: to help a Northern student empathize with the way the white Southerner feels about the problem; to portray how the Negro in the South is treated; and to bring to a level of consciousness the student's own mixed feelings about equality for the Negro.
"Plessy v. Ferguson" "Separate-but-Equal"	controversial cases	The Plessy case is used to present the basic conflict between association and equal rights. "Separate-but-Equal" is the follow up on the actual implementation of Plessy. The focus here is on the problems of implementation: Does one risk revolution to secure the rights of a minority of people?

DESCRIPTIVE GUIDE TO MATERIALS ON SCHOOL DESEGREGATION (continued)

Title	Type of Material	Specific Function
"Judicial History of School Integration"	historical and legal background	This is a second historical document concentrating on the legal status of segregation, bringing it up to the Brown Case. Its main job is to present key changes in the concept of separate-but-equal.
"The Quiet One" (a film)	emotional impact	This is a case study of a preadolescent Negro boy raised in a New York slum. It presents in very personal terms a reasonable explanation for the style of life adopted by many Negroes, broken homes, delinquency, lack of a sense of moral responsibility.
"Racial and Cultural Differences Between Negroes and Whites"	sociological and psychological background	A systematic presentation of racial and cultural similarities and differences between Negroes and whites.
"The May 17th Decision"	controversial case	This presents some of the essential facts in the 1954 desegregation decision.
"Implementing the Supreme Court Decision on Desegregation"	historical and legal background	A systematic presentation of the 1955 Supreme Court decision on implementation.
"Baltimore" "St. Louis" "Arlington, Va." "Front Royal, Va."	illustrative cases	These four cases present some of the possibilities and problems in implementing the Supreme Court decision.
"Washington, D. C." "Little Rock, Part I" "Summerton, S. C."	controversial cases	These three cases present three quite different reactions to the desegregation decision in three different communities. The cases allow the teacher to explore the full range of legal, political, and moral questions involved.

Title	Type of Material	Special Function
'Little Rock, Part II"	controversial case	Presents the second stage of the desegregation problem in Little Rock: the desire of the community to delay and the will of the court to implement immediately.
"The Lively Ghost"	take-off material	This is a pamphlet presented in dramatic dialogue style published by the American Foundation for Political Education. It describes the problem of desegregation in a hypothetical Southern community. Here the student has an opportunity to evaluate not only the situation but the document.
"Abalousa"	take-off material	This is an account of the problem of desegregating three elementary schools in New Orleans in the fall of 1960. It was fictionalized for experimental reasons, and ordinarily would have been presented as an authentic case.
"Integration Updating: September 1960"	take-off material	This document is an attempt to correct misplaced emphasis in documents which have become dated. At this point an effort should be made to communicate to the student the extremely fluid nature of this problem, and the need for keeping informed.

CHAPTER NINE, APPENDIX A-3

SAMPLE DOCUMENTS OF INSTRUCTION FOR A UNIT ON SCHOOL DESEGREGATION IN THE SOUTH

THE NEGRO IN AMERICA, 1600-1865

1. How the First Negroes Arrived in America

The exact date upon which the first Negroes arrived in America is not a part of our recorded history. Records of early Spanish settlements in Florida, however, indicate that some of their settlers brought Negro slaves with them. These may well have been the first Negroes in America.

About 100 years later, in August, 1619, the tiny English settlement of Jamestown was thrown into a state of excitement by the appearance in her harbor of a strange and unexpected ship. The appearance of any ship which might be unfriendly in the harbor of a town as weak as Jamestown was a serious matter. As the ship drew closer to the shore the worried townsfolk identified her flag. She belonged to a Dutch trading company. The English settlers undoubtedly breathed a sigh of relief when they discovered she was a friendly trading vessel. When the ship was properly moored, the captain announced that he had come to trade. His cargo consisted of twenty people from Africa to be sold as slaves. As far as we know, this was the first slave-trading vessel to reach the North American continent proper. Slave trade had flourished in the West Indies much earlier than this, but it had not reached the mainland. Thus, in 1619 were sown the seeds of a problem of race relations that America has yet to solve.

2. A Brief Look at Slave Trade

In the early 1600's, both the Dutch and the English found the slave trade to be extremely profitable. Slavery throughout the world at this time was commonplace and looked upon as a perfectly legitimate institution. After all, the reasoning went, isn't it more humane and sympathetic to enslave your captured enemies than to kill them outright? In fact, in Massachusetts in the year 1641, there was a law which said, "There shall never be any bond slavery amongst us, unless it be lawful captives, taken in just wars (or such) as (shall) willingly sell themselves."[1]

Slavery appeared to the people of those times as a perfectly natural relationship of man to man. Since the colonies of the New World needed a large supply of laborers, the British government began to encourage the slave trade. New England sea captains saw the tremendous profits others were earning in the slave business and joined in the trade as privateers. These vessels usually sailed from a New England port carrying lumber for sale in various European ports. After the lumber was sold, the ships frequently traveled to Africa to pick up a cargo of slaves which were sold in West Indian ports. The ships were then loaded with a cargo of molasses and returned to a New England port. Newport, Rhode Island was probably one of the greatest home ports for New England ships which were engaged in the slave trade.

---

[1] John R. Spears, The American Slave Trade (New York: Charles Scribners & Sons, 1900), p. 12.

3. How Slaves Were Actually Obtained

It is difficult for us to imagine how traders obtained their slaves. Many methods were used. In the beginning, when the trade was less extensive, it appears to have been an "honest" business. Trading vessels would anchor off the coast of Africa between Cape Verde and Cape St. Martha. Parties would go ashore to trade a variety of trinkets, blankets, rum, and knives for any African chieftain's surplus slaves. As time progressed and the supply of "legitimate" slaves could not meet the demands, traders frequently resorted to other methods. They would supply knives and guns to one chieftain, thus enabling him to wage a more successful war on his enemies and acquire an even greater number of slaves. When this method also proved inadequate, the traders actually put ashore raiding parties which would swoop down on an African village, round up as many villagers as possible, and kidnap them.

4. The Middle Passage: Conditions on the Ship

The Middle Passage was the expression used to designate that part of a vessel's route when she actually carried slaves. Stories of cruel and inhuman treatment of the African Negro during this voyage are many.

The typical ship used by the trader was between 60 and 80 feet in length. Her beam (width) at the widest point was 26 to 30 feet. These vessels usually had two decks. The space between the keel and the first deck was called the lower hold. The space between the upper and lower decks was called "tween decks" and averaged about 3 feet 10 inches in height. This was the space reserved for the slaves. Frequently the men were taken forward of a center bulkhead, forced to lie down, and were then shackled together in pairs, their backs on the decks and their feet extending toward the sides of the ship. Their shackles were then strung on a long loose chain which was stapled or fastened to the deck at various places. At first, this would seem to have allowed them some freedom of movement but when we consider that the average space allotted for each slave was merely 16 inches in width, we can see that there was little room for any kind of movement.

The women and children, although not usually shackled, were not allowed real freedom of the ship. Their space was aft of the bulkhead and except for the lack of irons, conditions were the same as for the men.

5. The End of the Trade

The tales of the horrors and cruelty suffered by the Negro slaves led to the founding of abolitionist societies all over the world. The movement started earliest in England, the country which had received the greatest profit from this trade. A series of laws were passed in many nations which at first somewhat restricted the trade and led to its eventual complete suppression. For a number of years after the slave trade had been declared illegal, smugglers carried it on; but by the year 1860, the actual importation of African Negroes to the United States appears to have been successfully halted.

6. Why Did Slavery Flourish in the United States?

Originally slaves were held in New England states as well as Southern states. Since New England farms were small and winters rather severe, the use of slaves tended to be impractical. With the rise of industry in the New England area, fewer people were employed in agriculture and more and more became industrial workers. Slaves were not a practical source of factory labor for many reasons. Perhaps the most important reason was that free laborers could be fired or laid off during slack times and the company had no further responsibility. If the labor force were composed of slaves, however, the owners would still have to provide food, clothing, and shelter for the workers. As far as New England was concerned, the institution of slavery rapidly died out. By 1800 slavery had disappeared in the states north of Maryland. The Negroes had been freed and were then known as freed men.

In the South, slavery also showed signs of disappearing from the American scene by 1800. Many Southerners disliked the idea of slavery and some voluntarily freed their slaves. However, the plantation system of agriculture had once made slaves appear to be a necessity. Consequently many plantation owners had acquired so many slaves that to free them meant a tremendous loss of wealth. In addition some slave owners wondered who would care for the slaves if they were suddenly freed. Since many slaves were uneducated, unskilled, and quite dependent upon others to supply them with food, clothing, and shelter, simply to turn them out from the plantations would cause serious problems.

While this question was confronting many Southern whites, Eli Whitney was hired as a teacher in a Carolina school. He left New York with a family from Georgia to take up a new job in Carolina. However, he stopped off at a plantation in Georgia and became interested in the problem of separating cotton seed from the cotton fibers. He formed in his mind a plan of a machine to do the work and made a model of it. This model appeared to be so practical that he sold it almost immediately, and having achieved this success decided to give up teaching and turn his attention to perfecting the machine we know as the cotton gin.

Whitney's machine was highly successful and in a short time, a single cotton gin could do the work of as many as fifty men. The cotton growers now saw the opportunity to make great sums of money by increasing their cotton crops. This gave rise to the demand for large numbers of field hands to do the difficult and monotonous work of planting, caring for, and picking the cotton crop. This problem was solved by the use of slaves. The idea of freeing slaves no longer seemed reasonable to most plantation owners. American businessmen, seeing the opportunity to make vast profits, fitted out ships for the slave trade.

THE FIRST DAY OF SCHOOL

The alarm clock buzzed angrily. Mrs. Justice reached out and fumbled for the shutoff. Suddenly the buzzing ended and she heaved a heavy sigh but not a sigh of relief. The day, September 8, 1960, one she had dreaded so long, had finally arrived. She got out of bed, pulled on her robe, and walked down the hall. As she passed the open door of her daughter's bedroom, she paused and looked in. Janie, her only daughter, a cute blonde blue-eyed girl of 13, lay sleeping peacefully in her bed. How proud she was of this little girl and what hopes and aspirations she held for her future. If only Jim, her husband, could be with them now. Mrs. Justice felt that perhaps the presence of a man in the household would provide the stabilizing influence that the little family needed so desperately to face this new crisis that had arisen. But Jim had never had the opportunity to enjoy his family. Duty to his country had always been important to him, and even after combat service in World War II when the Korean crisis had arisen and Jim's reserve unit was called back into service, he had willingly gone off to defend with his life the principles he so firmly believed in.

Mrs. Justice continued on with the preparations for breakfast mechanically. Her mind wandered over events of the past. She remembered clearly her own childhood. Growing up on the beautiful plantation in the bayou country of Louisiana, life had been pleasant and easy. Her thoughts drifted back to that life and recalled visions of Eliza, the colored cook, and her sumptuous meals; Ned, the graceful butler, who served the food so wonderfully well and always kept the dining area so clean, the table linens fresh and pressed, the silverware sparkling. What elegance had really surrounded her in that home, thought Mrs. Justice.

Another scene crossed before her eyes. There were the rolling meadows, the hunting horses, and Tod, the hired man to whom they always referred as the livery man but who in reality had served as stableman, trainer, riding instructor, and friend. She could see him now grooming the horses, polishing the bridles and saddles, his black face gleaming in the warm sun and the happy smile on his face. What a friend he had been! Not just a servant, nor a hired hand, but one who had really understood a young girl and her love for horses. She recalled with what pride Tod had first announced to her father that his daughter was a most competent horsewoman.

Yes, her childhood memories were pleasant. Life had been happy, and she had had the benefit of a fine formal education as well as an excellent education in gracious living. After all her family had paid top wages, hired the finest of servants, and given them the best of working conditions. You really had to, thought Mrs. Justice. It's a sort of duty. They're like little children. You shouldn't neglect people of this sort. Rather pick out a few and give them gainful employment, teach them how to dress, eat, and talk properly, and it's surprising how soon a real bond of affection arises. Yes, she could truly say she loved these people just as she had loved the beautiful chestnut stallion and devoted little beagles they used for rabbit hunts. How could anyone possibly think that she could be guilty of racial prejudice? Negroes aren't really inferior, thought Mrs. Justice. It's just that they're so different.

Mrs. Justice's thoughts were suddenly interrupted as she heard the hum of flying bare feet down the upstairs hall, and at the same time Janie's excited voice. "Mom, you should have called me. I'll be late for school."

"There's plenty of time before school, dear," replied Mrs. Justice.

"Oh, no, there isn't," shrieked Janie. "This is the first day -- and the first day of the integrated school plan. All of us kids are going down early just to see what's going to happen."

Mrs. Justice shivered for a second as the impact of Janie's remark struck home. Immediately whatever traces of the vision of her own childhood that had remained with her vanished and a host of new pictures crossed before her eyes.

There was the Jones family -- Annabelle Jones, the mother, but no one knew the father; he had wandered off soon after the third son had been born -- and the dismal dirty rundown shack they lived in. Imagine four people living in a one-room shack, no running water, no electricity, and the names of the boys who were now young teenagers were enough to disturb anyone. There were Tom Jefferson Jones, George Washington Jones, and Abraham Lincoln Jones. Probably the first names were no more inappropriate than their last name, however, thought Mrs. Justice. We really don't know who these people are nor where they came from. Somehow they've just always been there. I know those boys are always skipping school and hanging around. No one seems to care. Once I even tried to help Abraham by giving him a job mowing our lawn. What a mistake that was! When he finished the job and I went to pay him I noticed how filthy he was and I could plainly see the signs of ringworm in his hair. I certainly don't want someone like that around my yard.

Then the vision of a recent headline came sharply into focus: "Police Called In To Maintain Order On East End Street." Mrs. Justice knew that the East End of town was a Negro neighborhood and she recalled that this particular incident had resulted from a fight between two boys over possession of a bicycle. One boy had claimed ownership of the bike and accused another of stealing it from him. A fist fight had resulted. That evening a gang war involving at least 30 teenagers had occurred. Several of the young people had received serious wounds from switch knives, zip guns, and chains. The police had quieted the disturbance and rounded up the suspected leaders, all of whom were teenage Negroes. Just what you'd expect from children whose parents care little for the proper kind of home life, who do not make their children work hard in school, or try to prepare for better jobs in the future. What an unpleasant memory this was! Recalling the picture the Morning Post had carried of the leaders, with their sneering dirty faces and ragged clothing, still carrying the marks of the wounds of the riot, caused Mrs. Justice to shudder.

The smell of burning toast brought her back to reality with a start. She rushed over to the kitchen counter, rescued the remains of the toast, opened a window, and turned on the exhaust fan. Her ranch home was light and airy. Everything was freshly painted and had that scrubbed clean look that makes you feel fresh inside. The pleasant September breeze swept through the kitchen and the sunlight danced and sparkled on the stainless steel sink with the chrome plated fixtures. Everything about the kitchen indicated that here was a well-ordered home where peace, pleasure, comfort, and genuine good taste were important. Yes, thought Mrs. Justice to herself, this is how people should live and this is the environment that children should grow up in.

Janie appeared at the door. "Hey, Mom, isn't breakfast ready yet? What in the world have you been doing? The house is full of smoke."

"I forgot about the toast, dear," Mrs. Justice replied. "Why don't you get started on breakfast."

Mrs. Justice entered her bedroom and faced herself in the mirror. What am I going to do, she thought. In just a few minutes Janie is going to head to school and for the first time attend classes with Negro children. Yes, with children whose parents are unambitious, dirty, uneducated, and frequently disease-ridden. She knew the statistics well. The crime rate for Negroes was much higher than for whites, the intelligence scores of Negro children were much lower than whites, the rate of common contagious diseases was higher for Negroes than whites. The number of broken homes among Negroes far exceeded those among the white population. How could she allow her daughter to enter the kind of an environment bound to spring up in the schools as a result of mixing children who were so different? I know I'm a good American, thought Mrs. Justice. I believe in equality and justice for all. I want to help Negroes in the United States to improve their lot. But can I allow my own daughter's welfare to be jeopardized by placing her in a situation where she will be in close contact with these Negro children?

Just a few miles outside of the city was Mrs. Hall's School for Girls, an old well-established private school where some of the town's most prominent families sent their daughters. Can I afford to send Janie there and spare her this terrible experience? But what would Jim have thought? Jim was a man who put so much faith in the American way -- equality, brotherhood, democracy. Now that the court had ordered integrated schools, should all who could afford to do so remove their children from the public schools, the foundation of American democracy?

Outside, the voice of Ginger Lewis, a friend of Janie's called out, "Janie! Hurry up! We've got to see what's going to happen down at school today!"

BIBLIOGRAPHY

Based on facts presented in:

Waring, Thomas. "The Southern Case Against Desegregation," Harper's, January, 1956.

RACIAL AND CULTURAL DIFFERENCES BETWEEN NEGROES AND WHITES: A TEXT

As Negroes and whites are forced -- or willingly decide -- to work and live closer together, what kind of problems will they face? Will integration work, or is segregation the only way the two groups can live in the same nation? People in the United States have different ideas about whether or not Negroes and whites can live together as equals.

Some people say that American Negroes are human beings and should be able to do the same things, say the same things, and have the same privileges as white Americans. Other people say that Negroes should not have the same rights or do the same things that white people do. These people say that American Negroes not only look different, but are less intelligent and naturally live a different kind of life. For example, some of them think that Negroes naturally tend to be more dirty, unhealthy, stupid, lazy, dishonest, loud, undependable, and easily excitable. Still other people believe that although Negroes are like whites in many ways, there may be some differences, and not all of them favor the whites. For example, Negroes may be more musical or more athletic, or even more patient.

In some cases there are facts to back up people's ideas about these questions. In other cases we do not yet have any way of knowing who is right. Below are presented some of the major things we know -- and don't know -- about the differences between whites and Negroes.

1. Physical Appearance

Negroes and whites do have different physical appearances. Negroes have darker skins, kinky hair, shorter and flatter noses, thicker lips, and they tend to be taller than white people.

The exact line between Negroes and whites is difficult to define, however. Many Negroes have very light skins and straight hair, while many whites have quite dark skins and kinky hair. A large percentage of Negroes have white relatives, and may actually be more white than Negro. In our society, however, these people are classed as Negroes.

2. Blood

Scientists say that there are several different types of blood, but that both Negroes and white people have them. You cannot tell what race a person belongs to by the type of blood he has.

3. Health

Doctors and scientists have not been able to find anything about Negroes that would make them naturally less healthy than white people. Diseases depend mainly upon where and how you live, how clean you keep yourself, and whether you can afford to pay for medical care.

4. Intelligence

When Washington, D.C. wanted to integrate Negroes and whites in its schools, intelligence tests were given to all the children. The white children, on the whole, did better than the Negro children who had been going to all-Negro schools. This fact seems to support the opinion of people who say that white people are more intelligent.

Social scientists in New York City, however, gave intelligence tests to a group of first grade children who had just moved to New York from the South where they had gone to segregated Negro schools. The scientists gave the same tests to the same Negro children a few years later and they did much better. In other words, after Negro children have gone to integrated schools for a while they seem to be more intelligent. This fact supports the opinion of the people who say Negroes are just as intelligent as whites when they can go to schools which are as good as the schools whites attend.

This is one of the questions that is very hard to decide, using the evidence we now have. Those people who believe that Negroes are not so intelligent as whites point to the fact that Negro scores are lower than white scores on I.Q. tests. Those people who believe Negroes are equally intelligent point to the fact that Negroes do better on I.Q. tests after they have lived in the North and have gone to integrated schools.

5. Behavior Traits

Are there any differences in the behavior traits of Negroes and whites that would make it difficult for them to live and work together happily? Many Negroes, especially in the South, do seem lazy and irresponsible. This may be partly because so many of them are not healthy. Many have diseases which take away their energy.

From the days of slavery to the present, white people have given Negroes very little responsibility. Some Negroes are used to being told what to do. They are used to the fact that white people do not trust them. This may be one reason why they tend not to take responsibility.

A New York psychologist studied a group of Negro and white children to see whether there were any big differences in their behavior traits. He could not find any big differences, although he says he would have to study the problem a great deal more before he could be sure.

6. Moral Differences (Ideas of right and wrong)

Police records show that more Negroes go to jail in relation to the population than white people.

Negroes also tend to commit crimes different from those committed by white people. Negroes tend to commit crimes of violence: stealing, killing, beating, and disorderly conduct. White people tend to commit crimes involving trickery and deceit, such as fraud (cheating someone out of his money), forgery, and counterfeiting.

Broken families are much more common among Negroes than among white people. Many more Negro children than white have unmarried parents or parents who have deserted them and left them with relatives.

7. Ability to Work for a Living

Negroes seem to do almost as well as whites in special aptitude or ability tests, except where training is needed. In that case they often fall below whites. This may be because they have been unable to get the training or education necessary.

There is little proof that Negroes do not want to hold better, more responsible jobs. A guidance counsellor in Boston asked a group of Negro and white children what occupations they wanted when they finished school. The Negro children mentioned the same ones that the white children did.

8. The Negro Standard of Living

The average yearly salary of a Negro or a Negro family is just about half the average yearly salary of a white man or a white family.

A larger percent of Negroes than whites are out of work every year. In many places there is a policy that Negroes are the last people hired for a job and the first people fired when fewer workers are needed.

It is especially difficult for a Negro to get an office job. It is easier to become a ditch-digger or, if he can get the education, a college teacher.

Conclusion

Obviously, there are many difficulties in trying to answer the question: Are there any important differences between whites and Negroes? A major problem centers on the question of whether the differences that do exist are mainly the result of the white man's efforts to keep the Negro from having a fair chance to develop his own abilities and talents; or whether the differences are due mainly to capacities with which each race is born. A second problem is the scarcity of good evidence that is related to this question, and the difficulty of getting this evidence.

However, even though we have little good evidence that relates to this question, our job now is to see in what ways the knowledge we do have can help us make intelligent decisions about the problem of school integration.

BIBLIOGRAPHY

Ginzberg, Eli. *The Negro Potential*, New York: Columbia U. Press, 1956.

Klineberg, Otto (Ed.). *Characteristics of the American Negro*, New York: Harper & Bros., 1944.

Myrdal, Gunnar. *An American Dilemma*, New York: Harper & Bros., 1944.

THE TRAIN SEAT: A FICTIONALIZED ACCOUNT

BASED ON PLESSY v. FERGUSON

It was a hot day in July, 1896 in New Orleans, Louisiana. Homer Plessy walked up to the ticket window in the railroad station. He bought a coach ticket to Covington, a town 100 miles away. The train was crowded. Homer walked from car to car looking for a seat. As he came near the last car, he noticed a sign: "For Whites Only." Homer read the sign and went inside the car. He found a seat and sat down.

In a few minutes the conductor came over. "Hey, you," he said, "you can't sit here. Get out of here and sit in the Negro car."

Homer turned around but did not move.

"I said to get out of here," the conductor said. "Get out or I'll get a policeman. This car is for whites only."

Homer replied, "I'm 7/8 white and 1/8 Negro."

The conductor replied, "That's not enough. Now get out of here." He grabbed Homer by the collar and tried to drag him off the seat.

Homer swung himself free. "Take your hands off me." He clenched his fists and sat down.

The conductor left hurriedly.

In a few minutes he returned with a policeman. The policeman took Homer by the arm and said, "Come on, fella. You come along with me to the police station."

Homer Plessy was tried in a state court for breaking the segregation laws. At the bench was Judge Ferguson. When Homer's case came up, he spoke to him. "Mr. Plessy, you are charged with breaking a Louisiana law. That law says that Negroes and whites must travel in separate railroad cars. You are charged with sitting in a white car. Since you are a Negro you have broken the law. Do you have anything to say?"

"Yes, your Honor, I do. I think that this law is not legal. The 13th Amendment of the United States Constitution abolished slavery. It said that there could be no slaves in America. This law treats Negroes like slaves. My lawyer suggested that I try to stop this trial. He says that since the 14th Amendment makes all people equal before the law, I should get equal treatment. I'm going to ask the Supreme Court to stop this trial. I'm going to tell them that this law is not legal. It's not legal because it doesn't let me sit where I want, and I don't call this equal treatment. The 14th Amendment is supposed to make sure that all people get the same treatment from laws. I am going to fight for my rights in every court that will hear my case."

Homer Plessy made good on his promise. He took his case all the way to the Supreme Court.

It took the Supreme Court in Washington a long time to make up its mind. At last they came to a decision. Seven of the Judges said that the Louisiana law was legal. One Judge said it was not legal. This meant that Homer had lost his case. It meant that he could be fined or sent to jail for having sat in a railroad car marked "For Whites Only."

Judge Brown wrote the majority decision, which stated:

> "....it is true that the 13th Amendment abolished slavery. However, this Louisiana law doesn't bring back anything like slavery. The 13th Amendment doesn't stop anyone from keeping Negroes and whites separate. It's not against the law to keep the races separate. The 14th Amendment says that all people are equal as far as the law is concerned. However, there's one very important thing: The 14th Amendment wasn't supposed to make the two races mix with each other. People can be equal to each other even if they don't mix with each other. The 14th Amendment wasn't supposed to stop different treatment of Negroes."

The Court had decided indirectly that it was perfectly all right for a state to have separate schools for Negroes and whites. It was all right for the states to make Negroes and whites travel separately on trains. But the Court also said that if the states do this, there is one extremely important thing they must do. The states must give the races equal education and equal train facilities. They must give them the same kind of schools, the same kind of books, the same kind of railroad cars, the same kind of train seats. The schools and railroad cars can be separate but they must be equal to each other. They must be the same kind, and just as good as each other. This is called the rule of "Separate but Equal."

Justice Harlan dissented from his colleagues. He thought that segregation laws really meant that Negroes were not good enough to sit with white people. For this reason, he thought that segregation laws violated the Constitution. He was, however, outvoted by seven other Justices.

SEPARATE-BUT-EQUAL IN PRACTICE

There are three ways of looking at the "EQUAL" of the SEPARATE-BUT-EQUAL rule:

1. The dollars and cents that go to support schools for Negroes and whites -- buildings, equipment and teachers' salaries.
2. How children are taught and what they actually learn within the classroom.
3. How Negro children might feel and think of themselves as a result of being segregated from white children.

Under the separate-but-equal rule of the Plessy-Ferguson case the courts were responsible for trying cases to find out whether any Negro schools were poorer than any white schools. More than 100 cases involving the separate-but-equal rule in education were brought into the courts. In some cases the courts ordered that schools be equalized. That is, the courts ordered that Negro schools be built or improved to give the Negro children equal education.

The idea of separate-but-equal was very difficult to put into practice. One of the major problems was how to define "equal." Courts had to consider such matters as:

what subjects were studied
length of school year
number of teachers
teachers' salaries
reputation of the school
opportunity for employment of graduates
buildings
playgrounds
gymnasiums
cafeterias
health services
toilets
drinking fountains

An even more difficult problem was forcing the Southern white to "equalize." The courts could only enforce the idea of equal schools when the Negroes in a particular school district brought an example of inequality into court.

It is probably safe to say that in most cases the Negro schools were poorer than the schools which white children attended, and that in most cases Negroes were too poor or too frightened to take white school board members to court and force equalization. It has been estimated, for instance, that the total cost of bringing the Negro schools in the South up to the standards of the white schools is about $2 billion. Perhaps a better way to illustrate this situation would be to present historical examples of the Southern position toward separate-but-equal.

Richmond County, Georgia had several public high schools and some private ones as early as 1876, but there were no public high schools for Negro children until about 1882. Under the leadership of a colored minister and editor, W. J White, the county's Negroes in 1880 petitioned the school board for a public high school. The Negroes pledged that 45 colored pupils were each ready to pay $10 a year tuition. They were supported in their plea by the white superintendent of schools. The superintendent said that he was "compelled by a sense of duty to recommend the establishment of a high school class for colored pupils. The law expressly says that while the white and colored schools shall be separate, the facilities shall be the same. The school ought to be given or the law ought to be repealed. To grant today the petition of the colored people would be only an act of tardy justice."

The next year the school board set up Ware High School for Negro children. The secretary of the school board remarked a few years later that "the Negroes everywhere crowd into the school.... The eagerness of this race for school privileges is remarkable and commendable."

All did not go well with Negro education in Richmond County, however. An increase in the number of Richmond County's Negro children brought about a crisis. In 1876 there were 1347 Negro school children. The following year there were 1585, an increase of 238. The school board had two choices:

1. Either build another elementary school for the Negro children or
2. Change the Ware High School into an elementary school, and do away with high school education for Negroes.

After a brief discussion one school board member stated:

> It certainly seems wise to give to as many Negro children the advantages of a primary education as possible, and teach them all to read and write and calculate, rather than to advance a few of them through high school.

When the vote was taken three school board members voted against doing away with a high school education for Negroes; 23 voted to change the high school into an elementary school and do away with a high school education for Negroes. So after 1896 there were again high schools in Richmond County, Georgia for whites only.

BIBLIOGRAPHY

Hill, Herbert & Greenberg, Jack. Citizen's Guide to De-Segregation. Boston: Beacon Press, 1955.

A TEXT ON JUDICIAL HISTORY OF SCHOOL INTEGRATION

1. Introduction: The Negro Wins His Freedom

Before the Civil War was fought and before slavery ended, the Negro was considered by most whites as inferior or not as good as the white man. And there was no mistaking which skin color was meant to belong to the slave. Because slavery was based on skin color the whole Negro race, not just slaves, was considered inferior. Many people came to believe that Negroes were people of an inferior type and altogether unfit to mix with the white race.

After the Civil War the 13th, 14th, and 15th Constitutional Amendments became law in order to give the Negro rights and privileges equal to those of the white man. These rights included the right to a fair trial, the right to sue other people, the right to inherit property, the right to buy property, and the right to vote.

For a short time after the Civil War in 1865 the Negroes were able to use these rights. Negroes and Northern whites who had gone South ran the state governments for a short time right after the Civil War. After 1876, however, these rights were rapidly taken away as the Southern whites who fought the Civil War gained control of their own state governments again.

By 1896 racial segregation was a law in most Southern states and in some places in the North.

2. Plessy v. Ferguson: Separate but Equal

In 1896 Homer Plessy entered a railway coach to travel from New Orleans to Covington, Louisiana. The conductor told him that the coach was for white persons. The Louisiana law said that he must travel in a special coach for Negroes only. Plessy refused to move. A policeman was called and took him to jail. Plessy argued that segregation was unconstitutional. He said:

a. The 13th Amendment outlaws slavery, and segregation is a sign of slavery. Whites are forcing Negroes to act as though they were not as good as whites.

b. The 14th Amendment to the Constitution guarantees to the Negro equality before the law in the states. Segregation prevents Negroes from being equal to whites.

Because Plessy said that his constitutional rights were being taken away, the case was finally decided by the Supreme Court. The Supreme Court stated that Plessy was wrong. This was their reasoning:

a. Segregation is not a sign of slavery or inferiority, and therefore it does not come under the 13th Amendment.

b. The 14th Amendment guarantees equality of the two races before the law. To be equal, however, does not mean that races have to be mixed in social affairs, such as going to school and riding on trains.

c. It made the following very important point: the State can segregate in social affairs, but it must give to each of its citizens equal rights before the law and equal chances for improvement and progress. This means that the races can be separated in schools, trains, and places such as this; but the Negro schools must be as good as those of the whites. The trains for the Negroes must be as good as the ones provided for the whites. This is known as the idea of separate-but-equal. This idea has been used to back up segregated schools in the South.

3. Results of Separate-but-Equal Doctrine

For almost 50 years Negroes brought cases to court trying to get fair treatment by whites. The courts decided these cases on the separate-but-equal idea. More than a hundred cases were decided in this way. In some cases where Negro schools were found to be poorer than white schools the courts ordered the schools to be "equalized."

The separate-but-equal idea was difficult to put into practice. How could the court decide what "equal" really meant? Courts had to think about such matters as length of school year, number of teachers, how good the teachers were, how good a name the school had, how good the building and playgrounds were, etc.

4. Negro Schools Generally Not as Good as the White Schools

Even though a large number of cases were brought to the courts to make whites give the Negroes equal schools, usually Negroes were sent to poorer, more crowded schools than whites.

By 1944-45 for instance, Alabama spent $56 for the average white child and only $23 for the average Negro child. This was true in other states such as Florida, Georgia, and Louisiana. By 1952 the situation had improved somewhat. In Arkansas for instance, the state spent $128 for a white child's schooling and $102 for a Negro child's schooling.

5. Separate but Equal in Colleges and Professional Schools

Although the Southern states tried at times to give Negroes in the elementary and high schools equal schooling, it cost too much to give the Negroes equal schooling in the colleges and professional schools (law schools, medical schools). Some states took care of this problem by paying the Negroes' way in Northern universities which were not segregated. Other states set up second-rate professional schools in existing Negro colleges.

6. The Sweatt and McLaurin Cases in the Supreme Court

About 15 years ago the Negroes began to demand colleges and professional schools equal to those the state provided its white citizens. They took their demands to the Supreme Court. They said that such equality was guaranteed to them in the 14th Amendment as well as the separate but equal doctrine. Two of the most important cases are presented below:

a. In 1946 Harman Marion Sweatt applied to the law school of the University of Texas. He was rejected because he was a Negro. There was no law school for Negroes. He sued the University of Texas for a law education. He said that the University of Texas was a state tax-supported school, and he had a right to an education there. As the case continued the State of Texas tried to meet the separate-but-equal requirement by setting up a temporary, make-shift law school for Negroes. It was built in Houston hear the offices of two Negro lawyers, who were hired as law teachers. The State of Texas later gave up the Houston school and set up another school in Austin in the basement of a small building near the state capitol.

Sweatt said that this new law school could not give him a law education equal to that offered at the outstanding University of Texas Law School. For this reason he refused to go to school there. When the lawyers for the State of Texas realized that Sweatt would not go to a segregated school because it was not really equal to the white school, Texas built a $2 million university for Negro education. But this still was not good enough for the Negroes. They said that what makes for an equal education cannot be measured in just dollars and cents: the quality of students and reputation of the law school must also be considered. The case finally reached the Supreme Court.

b. W. McLaurin, a Negro, tried to go to the University of Oklahoma for a professional degree in Education. No such course was given in any state school for Negroes, and the state Negro college did not have the money to start such a course. But McLaurin was not allowed to go to the University of Oklahoma because he was a Negro. So he sued the State of Oklahoma. Finally McLaurin was admitted to the University of Oklahoma, but he was still segregated. He had to sit at a desk in the hall outside the classroom in which all the other students were seated. In the library he had a desk set apart.

The Supreme Court decided the Sweatt and McLaurin cases on the same day, June 5, 1950. In both cases the Court ordered that segregation of the Negroes be stopped. The Court said that no separate professional school for Negroes could ever be equal to those in major universities. They also said that freedom to mix and talk with white as well as colored students in a professional school was necessary for an equal education. Both cases were decided on the separate-but-equal doctrine, and the conclusion was that in some cases equality was impossible when the races were separated.

7. The May 17th Decision: The Brown Case

The Supreme Court Decision that ended legal segregation in all public schools was made when the Court had to decide on five segregation cases that had been brought before it. One such case is described below.

On November 11, 1949, more than one hundred Negro parents and children asked the school board of School District 22, Clarendon County, South Carolina, for educational buildings, desks, and equipment equal in all ways to those which the whites had. The school board did not do anything about the request.

On May 16, 1950, a law-suit was filed in federal court on behalf of the Negro parents and children. The case finally came to trial in May 1951 before a three judge Federal Court and the following facts came out:

a. At one Negro school, children carried water from an outdoor pump and brought it into the building in an open bucket. At another Negro school, where there was no pump at all, water was carried from the home of a neighboring minister. The third school had water fountains, but they were outside the building. All the white schools had inside water fountains.

b. At each Negro school there were two outside earth toilets; the toilets had no running water. At one school the two earth toilets had to be used by 694 pupils. The white schools had modern flush toilets.

c. Each white student had a desk. One Negro school had no desks, another had double desks. Many Negro students wrote holding papers on their laps or grouped around a table.

By the time the case reached the Supreme Court things had changed. In 1951, two years after the first complaint in Clarendon by the Negroes, South Carolina passed a school-improvement law. One of its purposes was to provide equality in education. As a result of this program, new Negro schools were built in Clarendon County which were about equal to the schools for whites there.

But the Negro parents continued to fight their case against the school board. They did this even though the whites became angry and fired some of the Negroes from their jobs.

Other cases similar to the South Carolina case were filed in Delaware, Virginia, and Kansas. These four cases based their argument mainly on the following point:

Segregation does mental harm to Negro children by making them feel inferior. Since segregation always makes Negro children feel inferior, segregated schools for Negroes are never as good as white schools. The 14th Amendment of the Constitution says that all citizens, regardless of race, are guaranteed equal protection under the laws. Since segregated schools for Negroes are always poorer than white schools because they make Negro children feel inferior, segregated schools cannot be allowed under the 14th Amendment.

The Supreme Court decided on May 17, 1954 that racially separate or segregated schools do keep Negro children from learning as well as white children. This is because they make the Negro child think he is not so good as the white child. Because separate Negro schools cannot help but be poorer than all-white schools, equal schools cannot be segregated schools. The separate-but-equal idea is not possible when it comes to education.

The Supreme Court said that segregated school systems should begin to integrate (mix Negroes and whites in the same schools) as soon as possible, and that such schools were required to integrate even if the people in the local community did not believe in or want integration. No exact date was set as a deadline for integrating the public schools of the South.

BIBLIOGRAPHY

Ashmore, Harry. The Negro and the Schools. Chapel Hill: University of of North Carolina Press, 1954.

Hill, Herbert & Greenberg, Jack. Citizen's Guide to De-Segregation. Boston: Beacon Press, 1955.

Spurlock, Clark. Education and the Supreme Court. Urbana: University of Illinois Press, 1955.

THE MAY 17th DECISION

The Supreme Court decided the Plessy-Ferguson Case in 1896. In that case, the Court said that the states could keep Negroes separate from whites in schools, busses, or other public places as long as the separate facilities were equal. Many states then passed laws setting up separate schools for Negroes and whites. These laws also promised to make Negro schools equal to white schools.

During the next fifty odd years the states greatly improved their schools. However, most people agreed that the Negro schools in segregated states were not nearly so good as the white schools. If they were not, the communities were ordered to improve them. Over the last fifteen years some of the Southern states have increased taxes to improve Negro schools.

In December, 1952 five cases involving school segregation were before the Supreme Court. These cases started when Negro leaders sued to make the Negro schools equal to the white schools. However, by the time these cases had reached the Supreme Court, the Negro leaders had changed their argument. The Negro lawyers, under the leadership of Thurgood Marshall, now argued that separate schools cannot possibly be equal. They said that the 14th Amendment states that every person and group must have equal privileges and opportunities before the law. They argued that segregation itself causes mental harm to Negroes. For this reason, they said separate schools cannot possibly be equal. The Negroes' lawyers demanded that the separate-but-equal idea be thrown out.

These cases involved the schools of South Carolina, Virginia, Kansas, Delaware, and Washington, D. C. The lawyers for segregation argued that the Court did not have power to make school segregation illegal in the states. They insisted that the issue had already been decided in the Plessy-Ferguson case, and that the separate-but-equal rule must be continued.

Both sides hired very famous and able lawyers for the cases. In addition, many people who were interested were allowed to give testimony before the Court. The Negro lawyers called many outstanding psychologists, psychiatrists, and sociologists to testify.

These psychologists and psychiatrists had studied what happens to people who live under segregation. Most of them agreed that segregation is bad for both whites and Negroes. They said that segregation makes Negroes feel inferior to, or not so good as, whites. People who feel they are inferior or who feel they will not succeed are usually the ones who fail. If the Negro child feels he is inferior to the white, he probably won't do as well at anything he tries. One of the important things in doing something successfully is confidence. If the person feels he can do something well, it makes things much easier for him.

The Negro lawyers argued that segregating Negroes makes them feel inferior. They said this feeling of inferiority prevents Negroes from getting an equal education. The only way to make Negroes feel equal to whites is to let them go to the same schools as whites. Their argument was that you cannot possibly give Negroes an equal education if you keep them segregated.

On the other side of the question, one of the psychologists, Professor Henry E. Garrett of Columbia University, testified for the Commonwealth of Virginia. He felt that segregation made Negroes feel inferior only if the buildings and equipment were not equal.

The Supreme Court delayed making a decision for a year and a half. Finally, on May 17, 1954 they handed down the decision. All nine members of the court agreed to the decision. The Supreme Court said that there can be no equality of education if there is segregation. They ruled that all laws keeping schools separate were unconstitutional. The law of the land now was that schools must be integrated in order to be equal.

The Court's reversal of the separate-but-equal principle shocked the South. They could not see why the arguments which had been so convincing in 1896 were unable to convince even one Supreme Court justice in 1954.

BIBLIOGRAPHY

Hill, Herbert & Greenberg, Jack, Citizen's Guide to De-Segregation, Boston: Beacon Press, 1955.

IMPLEMENTING THE SUPREME COURT DECISION ON DESEGREGATION

Problem of Implementing the Decision

The Supreme Court ruled on May 17, 1954 that segregated public schools are not legal. There remained the problem of actually desegregating or integrating the schools. The Supreme Court made no decision at that time on just how and when or how fast the schools should be integrated. They realized that most of the people in the South did not want to desegregate their schools. Schools had been segregated in the South for close to 100 years. It would be hard to change something as old and valued as segregated schools very quickly. There was also the experience of the poorly implemented separate-but-equal doctrine.

The Supreme Court, therefore, asked the states, the Federal Government, and interested people for advice on how the May 17 decision might best be enforced or implemented. Some lawyers called for immediate desegregation -- force the decision on the states right away. Others said that the Federal Courts should go ahead slowly so that there would be no trouble. This is called gradual integration. There were others who insisted that there could be and would be no integration in the schools.

Supreme Court Makes Second Decision

After a year of listening and discussing, the Supreme Court made up its mind on how to implement the decision. The Court agreed that the problem was a very difficult one and that the problem of integrating Negroes and whites would differ from one community to another. On May 31, 1955 the Court decided that each community must make "a prompt and reasonable start." It said that each local school board could decide the best way to begin school integration. But the school boards must be honest and must really be trying to obey the law and not trying to get around it. The Federal District Courts were told to keep an eye on the situation. It was to be their job to rule on whether or not each of the local integration plans was legal.

The Supreme Court said that there must be some sort of start toward integration. Also, each integration plan must go ahead with "all deliberate speed." This meant that each community must begin soon with some kind of integration plan. It is all right if the communities take time to think and plan about what to do. But a decision must be made within a reasonable time and a plan must be put into operation. It is up to the local Federal District Court to see if the individual plans are fast enough to comply with the spirit of the "all deliberate speed" doctrine.

If Negroes are not allowed into a white school or are not satisfied with the local plan for desegregation, they may go to court. The dissatisfied person may take the community to court for not allowing Negroes to enter all-white schools. This is called "filing an entry case." But before the person who complains can go to the Federal Court, however, he must try and solve the problem with the local school officials. Only after he has failed to make an agreement with the local school officials is he allowed to file an entry suit in the nearest Federal Court. When the case comes to court the judge decides whether to order the community to change the desegregation plans. For instance, in Little Rock, Arkansas, the local Federal Court approved a plan to start integration at the high school and gradually move down to the lower grades. This would take six years for complete integration. But in Kentucky the local court said that the plan for integration in Hopecins County was unsatisfactory. They said the plan was too slow because it would take 12 years. In both cases appeals to change the ruling were made to higher courts.

Actions of Different States

When the Supreme Court's implementation decision was made, different states acted in different ways. Some states abolished their laws requiring school segregation. Some said they would try gradual desegregation. Others flatly refused to comply with the ruling.

Five states made it an official policy to integrate the public schools. They were Kentucky, Maryland, Missouri, Oklahoma, and West Virginia. In some communities such as Clay and Sturgis, Kentucky violence accompanied integration attempts. Sturgis finally desegregated with the help of state troopers.

Other states with segregated schools somewhat resisted the Supreme Court decision. These were Delaware, Arkansas, Tennessee, Texas, and North Carolina. Actually very little desegregation took place in these states. In Delaware only about one fourth of the Negro school children go to integrated classes.

Finally, there were the states who openly refused to obey the Supreme Court: Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, and Virginia. They said that they had no intention of doing so.

Later we shall learn how integration is progressing, if at all, in these states.

Laws Passed to Control Integration

The different communities and states have passed a great number of laws about school integration. Some of these are the various plans for integration. Some are starting integration in the elementary schools and others in the high schools. Some allow a few Negroes to go to integrated schools, while others allow all of the Negroes to attend integrated classes.

There are also a large number of laws passed which try to get around the Supreme Court decision. These laws are attempts to keep segregation and yet obey the law of the land. They are called "evasive legislation." Some states passed laws that would end public schools in case of integration. Since private schools are not covered by the Supreme Court decision, segregation in the schools could be kept. These states would give people from any integrated school district money for private schools.

There have been several "pupil assignment laws" passed in the South. These laws give local school boards the right to send pupils to any school on the basis of health, intelligence, morale, personality, and welfare of the children. This would let school boards keep Negroes from going to white schools by using reasons other than race. For example, they could say that a Negro can't go to a white school not because he's Negro but because he's not healthy enough or intelligent enough.

Another method which has been used is the "three-schools-in-one." In this plan three sets of schools are set up: all-Negro, all-white, and mixed. Pupils are assigned to a school according to criteria like health, intelligence, and ability to get along with others. In this way very few children are assigned to the mixed school, although the community does have an integrated school. Another part of this plan is to make the Negro schools so good that the Negroes won't want to go to the mixed schools.

Other Methods of Evading Integration

Many methods have been suggested and used to prevent desegregation. We've already mentioned riots and violence. The threat of violence has frightened many communities who were thinking of integrating. Many private organizations have been started to fight integration. Two of these are the White Citizen's Council and the National Association for the Advancement of White People. These groups publish magazines, make speeches, and call on public officials in an attempt to prevent school integration.

Sometimes Negroes or whites who plan to go to court with entry cases are threatened with loss of their jobs or violence to their families. Sometimes whole groups of Negroes or whites decide not to buy goods from each other as a method of persuasion. For example, in one town in Alabama, the Negroes got together and refused to buy insurance from an insurance company run by whites until the schools were integrated. The whites in town refused to hire Negroes until they stopped agitating for school integration.

What will happen in the future is hard to say. More and more communities are starting desegregation. The Federal Courts will have to rule on many desegregation plans and laws. It will probably take a very long time before all the schools are desegregated, if ever.

BIBLIOGRAPHY

Fleming, Harold C., & Constable, John. What's Happening in School Integration. Public Affairs Pamphlet, #244, 1956.

Martin, John B. The Deep South Says Never. New York: Ballantine Books, 1957.

Shoemaker, Don (Ed.). With All Deliberate Speed. New York: Harper & Bros., 1957.

Status of School Segregation -- Desegregation in the Southern and Border States. Nashville: Southern Education Reporting Service, November, 1957.

WASHINGTON, D. C.

The city of Washington, D. C. is like no other city in America. It is not part of any of the fifty states. The city is run by three Commissioners who are appointed by the United States Congress. None of the 855,000 people people there can vote in state or federal elections. The city is owned by the Federal Government.

The total population of Washington has decreased in the past few years. The Negro population, however, has increased tremendously. The percentage of Negroes living there is higher than in any other city in the country. In 1930 27% of the people were Negro. In 1957 the percentage of Negroes was 43%. Thousands of whites are moving out and thousands of Negroes are moving in. In 1950 35% of the children in the school were Negro. Today the figure has jumped to 70%.

The Supreme Court's decision to outlaw segregation in the public schools was made on May 17, 1954. On May 25, 1954 the Washington Board of Education ordered immediate integration of the schools. Some people said that this was a mistake. They said that more preparation was needed, since most of the Negro students couldn't do the same work the white students did. Some said there would be violence.

There was no serious trouble when Washington integrated the schools that September. There were no riots or fights. However, as the year went along, rumors that many Negro students were having academic difficulty began to appear. There were stories that the teachers were faced with Negro students who couldn't keep up with white students. There were reports of truancy and discipline problems in the integrated schools.

The Senate and the House of Representatives each has a committee dealing with the affairs of the District of Columbia. The Committee in the House of Representatives decided to investigate the rumors about Washington schools. This Committee made a thorough investigation in the fall of 1956. This meant that they studied the schools after two full years of integration.

Some people criticized the Committee because many of its members came from the South.

The investigation took about four months. School administrators and teachers appeared to testify on the problem. After the investigation was completed, a report was made. Two members of the Committee did not agree with everything in the Report. But there were some things over which there could be no disagreement. These are facts brought out in the hearings.

First, let us consider what Negroes could and did do in schools. During 1955-1956, a series of tests was given to students in all the 3rd, 5th, 6th, 8th, 9th, 11th, and 12th grades in the school systems. Three different kinds of schools were compared: all-white schools, integrated schools, and those schools which remained all-Negro because they were in all-Negro neighborhoods.

Intelligence tests were given in the 3rd, 6th, 9th, and 12th grades. These tests measured mental ability. The results were as follows. (Keep in mind that the average I.Q. in the whole country is about 100).

In the 12th grade the white schools' average I.Q. was 92.3. The integrated schools' average score was 77.6. The Negro schools' average was 51.6.

In the 9th grade the average for white schools was 104. The integrated schools' average was 96. The Negro schools' average was 87.

In all of these cases, the Negro and integrated schools scored well below the average of the white schools. It should be pointed out that the students in the third grade had spent more than one half of their time in integrated schools.

Another series of tests, called Achievement Tests, was given to the 3rd, 5th, 6th, 8th, 9th, 10th, and 11th grades. These tests measured knowledge about arithmetic, vocabulary, and paragraph meaning. The results are as follows:

Third Grade:

White schools are the same as the national average.
Negro schools are one full grade below the national average.
Integrated schools are one-half grade below the national average.

This means that the students in the 3rd grade of white schools knew the things that most 3rd grade students in the country knew. It means that students in the 3rd grade of Negro schools knew only the things that most 2nd graders in the country knew.

Fifth Grade:

White schools are one-half grade above the national average.
Negro schools are almost 2 full grades below the national average.
Integrated schools are one-half grade below the national average.

Sixth Grade:

White schools are one full grade above the national average.
Negro schools are one and one-half grades below the national average.
Integrated schools are one-half grade below the national average.

Eighth Grade:

White schools are more than one full grade above the national average.
Negro schools are almost three grades below the national average.
Integrated schools are more than one grade below the national average.

Ninth Grade:

Only 6% of the nation's schools scored higher than the white schools of Washington.
The Negro schools scored in the lowest 5% of the nation.
The integrated schools scored in the lowest 25% of the nation.

Eleventh Grade:

The white schools rate in the top 5% of the nation.
The Negro schools rate in the lowest 5% of the nation.
The integrated schools scored below the national average.

The Committee also heard testimony about new problems of discipline, truancy, and juvenile delinquency. According to the report of the Committee, conditions in the integrated schools are disgraceful. The report says, "fighting, lying, stealing, vandalism, swearing, absences, tardiness, and truancy have increased to an amazing degree."

Many teachers have become so upset that their health has suffered. Many have resigned and others have retired early. For the first time teachers have had to patrol corridors and playgrounds. The police had to be called in on many occasions to keep order.

Here are some excerpts from some of the testimony given by some of the teachers and principals at the investigation. John Paul Collins, principal of integrated Eastern High School, had this to say:

".... I found it necessary to require that all teachers leave their desks when the bell rang and keep order in the corridors. At times, I heard colored girls at the high school use language that was far worse than I have ever heard, even in the Marine Corps .... There have been more thefts at Eastern in the last two years than I had known in all my thirty-odd years in the school system...."

Mrs. Nathaniel Reid, a teacher at an integrated school testified in part:

"After integration the discipline problem was very difficult. I found it very hard to make the colored children do what I told them. And one day I was talking to a little colored girl, and one of the colored boys said, "Mrs. Reid, why don't you stop talking to her and bat her over the head, the way her last teacher did?"

The following testimony came from Mr. Wilmer Bennet, a principal of an integrated school:

"I have had requests from colored parents to take their children out of my school and put them back in all-colored schools. They thought they could get a better education there than they could by being mixed up. I have had to call the police....maybe twenty-five or thirty times."

#9-4

Mrs. Dorothy Denton is a teacher at the integrated Barnard School. She had this to say:

"We have had a number of fires set on purpose during school hours. I think it was .... five .... I never heard of any .... fires before integration. We have had stealing. We have a hard time keeping our lunches in the refrigerators. Just yesterday I had my lunch stolen, or part of it."

Four members of the Committee, all from the South, felt that integration has "seriously damaged the public school system in the District of Columbia." It was their conclusion that the only remedy to this situation was to bring back segregated schools, but on an equal basis.

The other two members of the Committee were from Nebraska and Maryland. They agreed that there were serious problems in the Washington schools. They felt, however, that integration was not the only cause of all these problems. These two members criticized the School Board for poor planning for integration. They hinted that a more gradual plan would have been better.

Finally, they said that the Negro leaders "have much work to do among the Negro people." They hinted that some of the problems of integration were caused by the Negroes.

BIBLIOGRAPHY

Committee on the District of Columbia, House of Representatives, Investigation of Public School Conditions, Hearings, and Reports. Government Printing Office, 1956-1957.

Hansen, Carl F. Miracle of Social Adjustment. Anti-Defamation League of B'nai Brith, 1957.

"Race Problem in the Nation's Capital," U. S. News and World Report, September 27, 1957, pp. 33-40.

ST. LOUIS

It was September, 1954 in the city of St. Louis -- the first day of school. This was not just another opening school day, however. This was the day that desegregation was to begin. St. Louis had prepared a desegregation plan three months after the Supreme Court's decision outlawing school segregation. It was a plan for gradual integration. The decision was to start integration in special schools and some high schools in September, 1954. The rest of the high schools would integrate in January, 1955 and the elementary schools in September, 1956.

Superintendent of Schools Philip Hickey had to work hard that summer preparing for the start of desegregation. Lots of people were displeased with the decision. Teachers complained of having to teach Negroes. Some threatened to resign. In addition to the teachers, many parents protested.

Some called, some wrote. Some were polite, others were nasty and insulting. Some even threatened violence. Through all of this, the tall, well-built Superintendent remained stubborn and firm. He told the teachers that they would teach Negroes, like it or not. He told parents that he was going to obey the law. He refused to back down.

Now that day had come. This would be the test. Would there be rioting? Would there be fights? Or would everything go smoothly? In a few hours the answer would come. The future of racial desegregation in St. Louis was at stake.

The mothers of the students going to mixed schools were worried. Some didn't want their children going to integrated schools. Others were afraid there would be trouble. Most mothers told their children to be careful and to stay out of trouble. A few advised their children to stay away from those of the other race.

It was eight o'clock and most students had already started to school. Superintendent Hickey was in his office. He was waiting for the telephone to ring. He hoped it would not, because if it did, it probably meant trouble. Many people kept their radios on to hear what would happen. Policemen were posted around the schools. Teachers finished tidying up the rooms and preparing opening day exercises. Everyone had his fingers crossed. The first bell rang. The children filed in and sat down at their desks.

The children were nervous. A few white girls giggled when they saw some Negro students enter the room. Some white boys gave the Negroes unfriendly looks. One or two made some nasty remarks. Other than such incidents as these there was no trouble. There were no fights, no riots, no unpleasant happenings. The next few weeks went even more smoothly.

Soon, the teachers, parents, and students thought little about integration as a problem. The rest of the year went by quickly and without trouble. With that year as an example, the rest of the St. Louis desegregation plan worked successfully. Today the schools of St. Louis are racially mixed. The law of the land has been carried out.

BIBLIOGRAPHY

Martin, John Bartlow. The Deep South Says Never. New York: Ballantine Books, 1957.

Valien, Bonita. The St. Louis Story. Anti-Defamation League of B'nai Brith, 1956.

BALTIMORE

In 1954 Dr. John H. Fischer was the Superintendent of Schools in Baltimore, Maryland. When he got the news that the Supreme Court had called school segregation laws unconstitutional, he was not too worried. Baltimore had been having good race relations recently. Negroes were allowed to use city-owned housing and city-owned swimming pools. There were Negro policemen and Negro firemen. Even though 30% of the school children were Negroes, Dr. Fischer didn't think there would be any serious problems if schools desegregated.

His job now was to present a desegregation plan to the School Board which was to meet June 10th. He had one week in which to do it. During that week he worried and fretted about the plan. He wanted to desegregate the schools but was worried about the possibility of riots. He received threatening letters and phone calls which promised trouble if the schools were integrated. He didn't sleep or eat very well that week.

One night he got a call from the Maryland Attorney General. He was polite but firm. "Dr. Fischer," he said, "I don't think it's a good idea to integrate the schools right away. My opinion is that everyone has to wait until the Supreme Court gives its decision on how to carry segregation out. That decision probably won't be made for another year. Nothing can be done until it's made."

Dr. Fischer thanked the Attorney General for his information. He said he would think about it. Dr. Fischer then phoned the lawyer for the city of Baltimore. "Mr. Attorney," said the Superintendent, "I want your legal opinion on something. We have a city law that keeps our schools segregated. Now that the Supreme Court has made its decision, is our law still legal?"

"Well, John," the attorney answered, "I say no. I say that the city law is as dead as a dodo bird. I don't think it could stand up in any court."

On the basis of this information, Dr. Fischer recommended immediate integration. His plan was simple. He would allow any child to go to any school of his choice.

The next day he presented his plan to the School Board. Much to his delight, everyone on the School Board voted to accept Fischer's recommendation. Integration had been ordered to start the next September in all of Baltimore's schools. There remained the problem of what the people would do when Negroes came to white schools. Dr. Fischer was confident that there would be no trouble. Other people weren't so sure. Some said that it might be a better idea to integrate more gradually.

When the schools opened in September, just a few Negroes decided to try to go to white schools. In those first few weeks of school, Dr. Fischer hardly went home. He went from school to school seeing how integration was going. The results pleased him. There was no trouble; no trouble, that is, until Friday, October 1st.

On that day some white students walked out of Southern High School. They went on strike, demanding that the Negroes leave their school. There were fistfights and parades. On Monday most students stayed out. There were more fights. Then the police and school officers got tough. Parents were told that it was against the law to keep children out of school. The police arrested some of the trouble-makers. On Tuesday Dr. Fischer was able to report that the trouble was over.

Since that time, there has been little trouble. Almost all the Negro children who want to go to mixed schools can and do. More than 100 Negro teachers are now teaching in what used to be all white schools. Of course, there are people who aren't happy over all of this, but they have not been able to interfere with desegregation. Dr. Fischer's plan is considered a strong argument for a firm and immediate integration stand in other communities.

BIBLIOGRAPHY

Shoemaker, Don (Ed.) With all Deliberate Speed, New York: Harper & Bros., 1957.

Martin, John Bartlow. The Deep South Says Never, New York: Ballantine Books, 1957.

ARLINGTON, VIRGINIA

On February 2, 1959 Negroes and whites in Arlington, Virginia sat in the same public school classrooms for the first time in history. No violence occurred. But this peaceful event had not come about easily. It had required years of struggle and tension. Since the Supreme Court rendered its decision that school segregation was unconstitutional, Virginia leaders have suggested various methods to deal with the ruling. Former Governor Thomas Stanley favored the "sensible" approach and said: "Views of leaders of both races will be invited." This approach produced no working solution; rather, its failure paved the way to power for segregationist J. Lindsey Almond. Almond had argued before the Supreme Court for segregation. In 1956 he was elected Governor and immediately inaugurated a policy of "massive resistance" to use all lawful and honorable means against integration.

In the same year laws restricting the freedom of Negroes to enter white schools were passed. These stated: (1) If a Negro desires placement in a white school, he must apply to a placement board. Above this board is the Governor and above him are the federal courts. If both the board and the Governor refuse to admit the Negro, he can appeal to the courts -- but the total process might take two years. (2) The state has power to close an integrated school. (3) The state can use police force to maintain peace. For instance, Negroes might be prevented from entering a white schools on grounds that they might disturb the peace. (4) The General Assembly of the state can seize control of integrated schools at local request and run them as it sees fit.

In September of 1958 thirty-one Negro students in Arlington applied for entry to white schools but refused to take the placement tests or to go before the board. As the September 4 registration approached, plumbing contractor Jack Rathbone offered the services of a six hundred man rifle club to maintain order at registration and, presumably, to discourage Negroes from entering the schools.

Federal Judge Albert Bryan ruled that Arlington had to take five Negroes into its nine thousand-student school system. By the recent law this meant that the schools would close.

Governor Almond announced: "Aside from the lack of authority of the court to make the assignment or enrollment, the local school board has been totally divested of all the authority it once had. Thus authority resides solely in the pupil placement board. Whether the assignment board would be respected by the court is beside the point." He furthermore challenged the right of the United States to force the issue. According to his interpretation of the laws, the Federal Government cannot force a state to operate schools, nor can it force parents to send their children to an integrated school.

On September 24 President Eisenhower wrote a letter to a private Virginia citizen which expressed his regret that some schools in Virginia had closed. Eisenhower claimed that the action contradicted both the doctrine of equal rights and the right of a public education. Almond said that the letter was not in keeping with the states' rights which he said Eisenhower had promised in his presidential campaign.

Until January 1959 few drastic changes in the situation occurred, but tension and pressure for change mounted rapidly. By January 28 Almond was forced to admit that new tactics were necessary to solve the problem which the integration order posed. He therefore asked the General Assembly of the state to repeal the compulsory attendance law and to grant tuition aids to students who wished to attend private schools.

On January 29 Almond promised that he would veto any attempts to frustrate integration. Attorneys for the Arlington County School Board appealed to Supreme Court Chief Justice Earl Warren for a postponement of integration. It was turned down.

The compulsory attendance law was repealed 80-3 on January 31; the tuition grants had been passed before.

By the end of the month, it appeared that integration in Arlington was near. Principal Claude M. Richmond had for two years been preparing his students and teachers mentally for the presence of Negro students in the school he ran. Moreover, four Negro students received special tutoring in English and mathematics and were shown a movie of successful desegregation in schools in another town. On the achievement tests the four earned average scores.

On February 2 the actual act of Negro students enrolling in a white school took place. In many respects, Arlington is an ideal town in which to try integration. It is a suburb of Washington, D. C., and consequently many of its inhabitants are not native Southerners but government workers who came to Washington from all over the nation. The town is only 6.8% Negro. Most of Arlington's citizens classify themselves as "sensible" or "tolerant." One of the few pro-segregationist organizations in town was the "Defenders of State Sovereignty and Individual Liberties."

The four colored students who were entering the all-white school came from responsible families. No record of juvenile delinquency was attached to their names. Their fathers were a fireman, a Government machinist, a Government clerk, and a janitor in a bank.

To insure peace and order, School Superintendent Ray E. Reid took as many precautions as possible. He ruled that the school building would close immediately after classes, that there could be no club meetings in the buildings, and that dances were to be temporarily out from the school calendar. Furthermore, the School Board warned: "Any student creating a disturbance will be automatically suspended and will be readmitted only after a conference between the student's parents and school officials."

On the actual day of integration, traffic was blocked off and parking banned on streets near the schools. Nobody except teachers, students and school employees were admitted on the school grounds. This restriction applied to reporters and photographers as well.

As rolls were called in those cities in Virginia which were to integrate, many students were absent. The absentees were thought to represent not only protest against Negro attendance, but also fear of violence on opening day. However, in Arlington's Stratford Junior High School, one of those integrated, only 73 out of 1070 white students were absent. This was called "fewer than usual." One teacher remarked that she suspected that some of the absentees had found integration an excellent excuse for hookey.

Although disturbances did occur, they tended to be minor and easily thwarted. One girl who tried to encourage other students to shout in protest found her fellow students bored with the idea. She was sent home. Three boys threw firecrackers out of a window; few believed that this had any connection with integration. A thirteen year-old girl walked out of school "to avoid Negroes." Her father sent her back. Two fourteen year-old girls did leave and stayed at home. Four white boys wanted to leave, but their minds were changed by truant officers. An anonymous phone call warned of a bomb in the building; nothing was actually found.

Integration was remarkably quiet. Most of the threatened difficulties did not occur. The "Defenders of State Sovereignty and Individual Liberties" had promised to cause trouble; they did not show up. They had planned to distribute placards of protest to students and blockade the entrance of Negro students on the school buses. They did neither. No picket line around the school formed, and no violence occurred inside the classrooms. Although fifty helmeted police officers were on hand in case of emergency, they found themselves idle.

Most of those who had been angered in the past took one of two attitudes:
(1) Integration is here, so we should accept it and make the best of it.
(2) The battle has been waged for so long and is now so fatiguing that it is best to integrate, settle the issue, and return to normal life.

The atmosphere was so relaxed that one Negro, Ronald Deskins, was even moved to say: "They made us feel just like at home."

The success of the integration in Arlington promoted two schools of thought. The first said that since it had been so successful and had proven itself in actual practice, integration was likely to spread rapidly throughout the South. The segregationist tradition was now broken and the rest was merely a question of time. The second warned that integration at Arlington was possible only because of circumstance. Many of Arlington's residents are not Southerners and cannot be counted as typical of the South. Moreover, the geographic location of the town is so near the Mason-Dixon line that the Northern influence can easily creep into town limits. These men felt that integrating a predominatly white town in Northern Virginia is a different story from doing the same in a Mississippi town that is 50% Negro.

FRONT ROYAL, WARREN COUNTY, VIRGINIA

The week of February 16, 1959, the Warren County High School opened its doors to Negroes and whites alike for the first time in its history. Twenty-two Negro students entered. Not a single white student showed up. Most of the white students of high school age remained in the segregated private schools which they have been going to since the public high school was closed the previous September in an effort to prevent integration from taking place. The courts ordered that the public schools be reopened. They are now integrated but only the Negroes come. For the twenty-two Negro students there are fifteen teachers available, and more classrooms than pupils. When the superintendent of schools was asked about the efficienty of such a school, he said:

> "It is not a question as to whether this kind of school will be efficient or desirable. The question is solely that the court says we must open a school."

Seven hundred and eighty-five of Warren County's white students now attend private schools located in the community's Youth Center, a Confederate Museum, the Methodist, Baptist, and Episcopal Churches, and an office building. Most of the furniture has been given or loaned to the private schools. There is mixed feeling about how good the private schools are. A fourteen-year old girl commented, "I like the private school. I'm getting a better education there." A nineteen-year old senior boy said, "I liked the public high school better, although I'm learning more over here." Mr. Gibb, the president of the private schools, feels that they are not so good as the public high school, but that they are adequate. The largest contributor to the private schools is the Textile Workers Union at the American Viscose Corporation. It is hoped that the private school system can be supported with state funds.

A reporter for the U. S. News and World Report has commented that the residents of Warren County are more opposed to integration than ever before. The races appear less friendly toward one another than before the May 17 decision. Mr. Leadman, the union leader, described the change in attitude between the races in this way:

> "Before all this, relations between white and colored in this community were remarkable. Now, when a colored man asks a white man the time of day, the white man turns his head and walks away."

Mr. Gibb, the head of the private school foundation, has noted:

> "People began to resist it when integration was being forced upon them. The community today would not be as solidly against integration in the high school if the court had not told them they had to open the school immediately.
>
> If the court has postponed action until next fall, and had given people time to get adjusted, some would have accepted some integration."

The people of Warren County, Virginia are trying to prove that the Federal Courts may forbid segregation, but they cannot make the white people attend integrated schools. The big question now is, will private schools give the white Southerner a method of escaping integration?

BIBLIOGRAPHY

U. S. News and World Report, February 27, 1959.

SUMMERTON

There are about 1500 people living in the town of Summerton, South Carolina. The majority of them are Negroes. They are for the most part poor. They usually work in cotton fields owned by the whites. Most live in ramshackle, dilapidated shacks on muddy dirt roads. The whites own most of the land and businesses. They run the town, which is completely segregated.

In 1950 the Negro parents decided they would send a petition to the town complaining about their school. They knew the law said Negro schools could be separate but they had to be equal to the white schools. The Negro school was a shack sitting on hard clay lighted by kerosene lamps. As many as 105 students sat in one room. There was no auditorium or gym. There were no laboratories or shops. There was no indoor toilet or running water. Heat came from a wood-burning stove.

The white school was much more modern, roomy, and pleasant. There were fewer students in each classroom. It was much like the average school in the North.

After hearing the petition the all-white school board ruled that the Negro school was just about equal to the white one. The Negroes decided to take their case to court. They told the Federal Court in Charleston that the Negro school was unequal to the white school. They said this was against the law and asked for help. The officials of Summerton were called into court.

This time the lawyers representing Summerton admitted that the schools were unequal. They said the town was too poor to build new schools. While the case was going on, the state of South Carolina acted. They increased taxes in order to improve Negro schools. The state was worried about the Summerton case, so it went right to work building better Negro schools.

Even though their schools were improved, the Negro citizens of Summerton went to court again. This time they said that any school segregation was unconstitutional. Eventually, this case reached the Supreme Court. On May 17, 1954 the Supreme Court ruled on this case and four similar ones. It said that segregation in the public schools was illegal. A year later they instructed the Federal Court in Charleston to enforce this decision in the Summerton Schools.

The Federal Court at Charleston ordered the Summerton School Board to "make necessary arrangements." Once they were made, the School Board was not to refuse to admit any student to any school because of race. The court set no time limit as to when the schools should be desegregated.

Later in the year all the white citizens of the town met in an old schoolhouse. They were not meeting to discuss a plan for desegregation. Every white person in town was absolutely opposed to integration. The discussion at the meeting was how to keep segregation. One suggestion was to raise money to start a private school. It was finally decided to try to keep segregation in its present form as long as possible. If the Federal Court should actually try to force integration, the schools would be closed. Charles N. Plowden was the leading speaker of the evening. He was a banker and owned a lot of property. He spoke in a loud, clear voice, "Let them make us close. If the Court orders us to integrate, we'll close. Time is on our side. We'll delay and delay and delay."

When school opened that fall of 1955, there was a large crowd at the white school. The crowd was there to keep any Negro from trying to get in. However, no Negroes came. Ever since then there has been a lot of bad feeling between Negroes and whites. There has been no actual violence but there has been a lot of tension between the races.

The white citizens organized a local chapter of the Citizens' Council, an organization whose purpose is to keep segregation in the South. Every white man in Summerton is a member. This organization collects money to pay for its active campaign against integration.

Many white citizens began making life hard for certain Negroes. Many of the Negroes who had originally signed the petition about the schools were fired from their jobs. Some of the Negroes who owned land found they couldn't borrow money from the bank. Reverend E. E. Richburg, one of the Negro leaders, was a teacher in the Negro school as well as a minister. He was fired as a teacher. The same thing happened to the principal of the Negro school. This man had been teaching there for 24 years. Some Negroes who rented land from whites were told to leave. Suppliers refused to sell goods to three Negro storekeepers. Another minister was also one of the Negro leaders. He went to New York after his church was burned to the ground. Another Negro minister received threats of violence and whipping.

There have been no attempts to integrate. The town looks quiet, but there is a lot of hidden tension and concern. The Citizens' Council does not meet regularly. There is no need to have a meeting. Everyone agrees that the whites would close the schools if integration were ordered. The school board has promised the Federal Court to "study" the matter. Mr. Plowden, the banker, has said, "We're studying it -- and it's going to take a good long time to study."

The Governor of South Carolina has said that integration may come in a thousand years. Mr. Plowden predicted, "We're not going to integrate. Not now, anyway -- in twenty years I don't know what will happen. In my opinion, though, we'll never integrate in my lifetime."

Reverend Richburg, the Negro leader, feels differently. He said recently,"We're not scared they'll close the schools. Oh, they may. But we don't think they'll stay closed. We feel the Supreme Court has spoken. They'll spend what they've got to crush us. They think we'll be the underdogs again, and it'll be worth it. But we ain't gonna do it, the Negroes aren't. It's a new day, that's all. The old day is over, it's a new day."

Very few people think there is any chance of compromise. The people of Summerton are extremely touchy about school integration. The whites aren't nearly so friendly to Negroes as they were before 1954. Many young people are leaving town. There is much bitterness and tension in Summerton. At this moment the schools are segregated and probably will remain so for a long time.

BIBLIOGRAPHY

Martin, John Bartlow. The Deep South Says Never. New York: Ballantine Books, 1957.

LITTLE ROCK: CASE II

In September, 1957 schools all over the United States opened with the routine of registration and first classes. But in Little Rock, Arkansas things were anything but routine. The opening of schools there provoked a dangerous crisis and raised one of the most difficult questions in recent American history.

On September 2 Governor Orval E. Faubus ordered out the Arkansas National Guard to preserve order at registration for Little Rock's Central High School. Central High was to remain segregated. Despite the Supreme Court ruling, Faubus held that the Constitution does not demand integration; it merely outlaws discrimination. He further argued that Arkansas offered Negroes "separate-but-equal" educational opportunities.

On September 3 Federal Judge Ronald N. Davies ordered Negroes admitted to the school.

When school opened on September 4, the Arkansas National Guard prevented the entrance of nine Negro students. Governor Faubus claimed that it was a simple question of "whether or not the head of a sovereign state can exercise his constitutional powers and discretion in maintaining peace and good order within his jurisdiction."

On September 10, as a result of Faubus' move, Judge Davies ordered Faubus to appear at a court hearing on September 20.

Before the hearing, however, Faubus met with President Eisenhower at a meeting moderated by Representative Brooks Hays, a moderate on integration. Faubus promised to respect the Court's order. On September 20 upon orders from Judge Davies to stop interference with Negroes entering the school, he removed the National Guard.

On September 23 nine Negro students entered the Central High School and mob fighting began. At precisely 4:48 p.m. Eastern Daylight Time, President Eisenhower announced his intention to use force if necessary; that evening he again ordered all who obstructed justice to refrain from further violence.

The next day Eisenhower decided to federalize the National Guard and he authorized the Secretary of Defense to use armed force if necessary. This raised the question of the President's powers and jurisdiction under the Constitution. The White House commented on the issue: "Powers of a state governor may not be used to defeat a valid order of a federal court.... When an obstruction of justice has been interposed or mob violence is permitted to exist so that it is impractical to enforce the laws by the ordinary course of judicial proceedings, the obligation of the President under the Constitution is inescapable."

Eisenhower himself said: "No one can more deplore than I do the sending of Federal troops anywhere.... it is not really American except as it becomes absolutely necessary for the support of the institutions that are vital to our form of government."

Faubus countered: "It must be remembered that the Federal Government is the creature of the states and possesses only those powers delegated to it by the states."

At 3:30 Central Standard Time September 24, the 101st Airborne Division arrived at Little Rock. The following day, Major General Edwin H. Walker told the Central High School student body that the integration ruling binds all citizens and would be enforced in Little Rock. Despite the speech violence occurred and some were injured by soldiers pushing back the mobs. Some were arrested. Southerners questioned the grounds for the arrests.

The school year continued with strained integration. The F.B.I. claimed evidence that many of the rioters were imported from outside of Little Rock and that at least one of Faubus' close associates was involved in the mob violence (Newsweek, October 14, 1957).

Meanwhile rumors spread that the town was being infiltrated with Army intelligence officers and U. S. Marshals. While not confirmed, these were widely accepted.

As the year progressed, one of the nine Negro students, Minnijean Brown, was expelled from Central High for unruly conduct. White students began to talk in terms of "One down, eight to go." Many asked themselves if the girl were a real trouble-maker or if she only fought back when bothered by the white students.

1957-1958 proved to Little Rock that direct opposition to the Federal Government could not succeed. Yet the town still would not accept integration. It hoped for a solution by interpreting the laws in its favor and by using all legal methods to work around the Federal orders.

A vote was taken to determine public support for segregation. Few were surprised when the town voted overwhelmingly (19,470 to 7,565) to keep races separated. While this represented concrete proof that the citizens were behind their government, it also showed that a large number of people favored integration, or at least preferred it to the crises of the previous year.

Having seen the difficulties of 1957-1958, many favored a delay for integration. Among them was the School Committee and its Superintendent, Virgil Blossom. On June 3 Blossom and other school officials asked Federal Judge Harry L. Lemley for a two and a half year postponement of integration to introduce it gradually. Blossom decided that the public interest demanded this move.

In the court hearing that followed educators provided evidence to support this view. Mrs. Govie Griffin, who had taught chemistry for thirteen terms with "no disciplinary problems" spoke of the tension of the past year, with its presence of Negroes and troops in the school. She commented: "I spent many weekends in bed so I could go back to school on Monday." Her physician said that she had suffered from physical exhaustion. Because of the tension in the classroom, she was able to cover so little chemistry that she could not fairly ask the class to take the usual standard College Board examination; an easier one was substituted.

Although she could not be present, Mrs. Sybil Hefley, another teacher, testified in writing that two of her students had refused to pledge allegiance to the American Flag while Negroes remained in the school.

Superintendent Virgil Blossom himself stated that the presence of Negroes and armed troops had provoked slugging, pushing, tripping, catcalls, abusive language, and destruction of lockers. Testimony indicated that the school year was characterized by minor accidents, mostly in halls, small fires, destruction of school property, 200 temporary suspensions, two expulsions, and 43 threats of bombs in the buildings. (Each bomb threat meant a search through the buildings, particularly the 2400 lockers). The faculty therefore, spent a great deal of time reporting incidents and disciplining students. Persons outside the school threatened the faculty by telephone and spread circulars condemning the Supreme Court and vulgar cards condemning school officials.

In regard to the effect of integration on teachers, Blossom said: "Now you can't take the person who has demonstrated through the years, as these people have, the qualities that they have in education, and pull them out of it and put them over in discipline and have your total program satisfactory. I am not sure but what that is one of the highest prices we have paid in this."

In view of these facts, Federal District Judge Harry D. Lemley approved a delay on integration until February, 1961. He commented: "The incidents and other matters just referred to, plus the presence of troops.... created throughout the school year a situation of tension and unrest.... which inevitably had an adverse effect upon the educational program; and we find that said program was seriously impaired, that the orderly administration of the school was practically disrupted and that educational standards have suffered.

".... Now, while you can disperse crowds and can keep the Negro students physically within the school, and while it is possible that, if troops were deployed in sufficient numbers all over the school, vandalism could be checked, the presence of troops cannot reduce or eliminate racial tensions or create a climate that is conducive to education.

".... The granting of the board's petition does not, in our estimation, constitute a yielding to unlawful force or violence but is simply an exercise of our equitable discretion and good judgment so as to allow a breathing spell in Little Rock while at the same time preserving educational standards at Central High School."

While many felt relieved to hear the decision, others questioned the morality of disregarding the law of the land, no matter what the practical advantages. Still others maintained that the example of getting around the law provided a poor example of good government for students in Little Rock. The N.A.A.C.P. appealed the decision at the Court of Appeals for the Eighth District in St. Louis. After the matter was debated, using largely the same arguments used in June, the Court of Appeals at St. Louis reached a decision on August 18, 1958. It reversed Lemley's decision. The Court stated: "We say the time has not yet come in these United States when an order of a Federal Court must be whittled away, watered down or shamefully withdrawn in the face of violence and unlawful acts of individual citizens opposed thereto .... To hold otherwise would result in accession to the demands of insurrectionists or rioters."

On September 12, 1958, the case came before the Supreme Court in Washington, D. C.

ABALOUSA

Abalousa is a major Southern city with a population of 640,000. It is in the deep South and has a tradition of "good race relations," although this has been accomplished mainly through segregation. The city is heavily Negro. In September of 1960 there were some 50,000 Negroes enrolled in the schools and 40,000 whites.

The Abalousa School Board has been slow in reacting to the demands for integration by some members of the Negro population. In fact, the School Board simply refused to draw up any plan to implement desegregation. Finally, on May 16, 1960 Federal District Judge James Whiteside drew up a plan by which Abalousa was to integrate. The plan had the force of a Federal Court ruling. It stated that first graders could go to the school of their choice nearest their home, and provided a grade-a-year plan. Reaction to Judge Whiteside's ruling was explosive. The Attorney General of the state, John Hanks, immediately brought a petition to a state civil court to prevent the Abalousa School Board from complying with the Federal Court decision. Hanks cited a 1960 law stating that the state legislature alone has the right to say which schools are for whites, which are for Negroes, and which can be integrated.

Judge Carson of the State Court issued a court order restraining the Abalousa School Committee from "doing any acts whatsoever toward the desegregation of public schools in the Abalousa School district." Attorneys for Negroes filed a motion in the Federal Court seeking to block the Governor and Attorney General from taking action that would prevent integration of the schools in September. On August 10 Federal Judge Whiteside ruled that the state laws preventing local school districts from integrating were unconstitutional. Attorney General Hanks asserted that Judge Whiteside himself had committed an unconstitutional act. Hanks said that federal law requires the presence of a three-judge court when the constitutionality of a state law is challenged. The School Board of Abalousa now was in the uncomfortable position of breaking either a state law or a federal law, no matter what action it might take.

Gerard Root, special counsel on segregation for the School Board, carried the School Board's fight against integration to the U. S. Circuit Court of Appeals. The School Board attorney pointed out that there were 7,000 Negro children in the first grade of public schools as compared with 4,000 whites and contended that "great injury would occur to both races if the first grade were integrated." Root went on to say that "a walk through any colored section in town will provide dramatic proof of the foolishness of desegregation. Dirty, poorly clad Negro children living in crowded quarters is common in many Negro sections of town." Root asserted that "six year olds may well be bewildered and stunned by the whole experience of desegregation."

At the state capitol, Governor James gave his complete backing to the cause of segregation. He threatened to enforce state laws requiring no desegregation without legislative approval. The general feeling was that the state legislature would close the schools before it would allow even token integration. However, demands continued to mount that the Abalousa public schools remain open whether or not the Federal Court forced integration on the city. These demands came principally from clergy and school groups.

At the same time, several parent organizations around the city geared themselves to operate private schools. Under a recently passed state law encouraging the establishment of private schools, the Kempleton Educational Cooperative Inc. filed a charter with the state. It planned to open at least one private school, if public schools failed to open on a segregated basis. The Kempleton group said it was counting on tuition grants from the state but cautioned people that "they will probably have to make some sacrifice to make this thing go through." Several other cooperatives were being formed but the movement did not seem to be getting widespread response.

Ministers and others, spurred into action as the opening of schools approached, made strong statements supporting a free school system even if integration should come. The Abalousa District of the Methodist Church issued a resolution signed by 30 ministers which said that closing down the public schools is "unthinkable." The resolution went on, "Our cherished democracy depends upon a free and educated citizenry for its preservation.... It is unthinkable that the South should deliberately destroy its dearly bought system of public education."

The board of the Young Men's Business Club presented a resolution to its members urging that public schools in Abalousa be kept open despite integration, but failed to get the resolution approved. The Business Club finally did pass a resolution urging the Governor and other state officials to keep segregated schools in the state and "to continue their fight to maintain our Southern way of life and traditions."

The Eleanor Junior High School PTA approved a resolution asking that every effort be made to keep public schools open. The vote was 216 to 36. Voting on the same night, the Francis High School Parents Club voted 152 to 4 to request the School Board, Legislature and Governor James to close the schools rather than have integration. The Edwards School PTA said that given a choice they would prefer schools to remain segregated but did not want them closed because it would be "damaging to our present high standards of public education."

A state educational expense grant act was passed authorizing the state to provide tuition to any child to reduce the cost of attending private, nonreligious schools. Other new state laws affecting integration included:

> A law directing the Governor to close any school in case of riots, disorder, or violence.
>
> A law prohibiting furnishing free school books and supplies, given by the state, to any integrated school.

While the legal fight to maintain segregated schools in Abalousa continued, the School Board ordered its superintendent, John Blackman, to prepare working plans for an integrated situation if it should develop. The Board drew up a timetable to meet the crisis:

(1) Exhaust all legal maneuvers by August 6.

(2) If legal steps fail, begin conferences with Judge Whiteside in an attempt to gain a delay, or ask Whiteside for a more "reasonable" plan of integration.

(3) If the conference with Whiteside fails, attempt to open the schools on an integrated basis, as the Judge has ordered.

Emile A. Wagston, Jr. is the only board member of the five man school board who has advocated closing the schools rather than integrating. He is a leader in the Abalousa White Citizens Council.

On August 26 a three man Federal Court upheld Judge Whiteside's ruling to force integration. Upon leaving the courthouse after the hearing Attorney General Hanks, who had argued the state's case for continued segregation, was heard to denounce the Federal Court in rather harsh language. He was quickly recalled to the Court and given a 60 day suspended jail sentence for "contempt of court." His later request for a jury trial was denied. As August drew to a close, all legal steps had failed.

Statements by Governor James became more intense and violent. He stated bluntly that if Abalousa attempted desegregation, the schools would be taken over by the state and run from the state capital. He had general support from the state legislature. Wagston made similar threats, and boycotted School Board meetings. He made vague threats about violence and "fight to the death" resistance before Abalousa would accept "Yankee corruption."

On August 31 the School Board issued an order for the admittance of twelve Negro first graders to four formerly all-white elementary schools. The following night there was a mass meeting of the White Citizens Council. Ardent segregationists within the city were encouraged to demonstrate against integration in any "effective" way. Violence and threats of violence within the city increased. Crosses were burned by both whites and Negroes. A bloody street fight took place followed by the arrest of five Negroes and a white man.

As the first day of school approached the School Board became more alarmed. In a conference at City Hall the Mayor guaranteed full support for any action the School Board might choose. The Mayor expressed confidence in the loyalty and support of the police department, but said that if worst came to worst, there was only so much they could do. Both the School Board and the Mayor wanted to avoid intervention by Federal troops.

On the night of September 4 an emergency meeting of the Abalousa School Board was called to deal with the increasing possibility of violence and citizen demonstrations. The task before the meeting was to suggest courses of action which would allow the Board to meet the requirements of the law and at the same time protect the community from violence and loss of its public educational system. The Board realized that whatever it decided, the decision would have to be firm, and it would have to be backed by everyone on the Board.

#16-4

BIBLIOGRAPHY

Fictionalized account of events in New Orleans, Louisiana based on information in the Southern News Reporter, August 10, 1960.

A-3, #17-1

INTEGRATION UPDATING: SEPTEMBER 1960

Most of our study of desegregation has concerned the actual process of mixing the races in public schools. But what happens after the schools integrate? Is school life disrupted? Does violence occur? Does the mixing of races cause tension? Do academic standards fall?

In order to decide whether or not integration is desirable, it may help to see what it causes. Therefore, let us consider some attempts to integrate public schools. The Little Rock, Arkansas case demonstrates failure, at least on the first try. The Washington, D. C. example depicts a generally successful integration -- marred by considerable problems. The St. Louis, Missouri case shows a successful "gradual" integration. Other situations, briefly described, give general information and show the wide variety of circumstances which can influence the success of an integration attempt.

Little Rock: A surprising aspect of Little Rock is that before its 1957 integration attempt, it had been known as a racially "progressive" city. For instance, its buses, hospitals and certain public facilities were integrated. Virgil Blossom, Little Rock's school superintendent at the time, believes that the racial violence indicates the extent to which segregationists can disrupt integration, even in a progressive town.

After the chaotic opening of integrated schools in 1957 tension did not end. Hostile attitudes and actions disrupted the school system. A white girl who sat with a Negro girl at lunch was condemned by her friends; thereafter, she sat with the whites. The white students regarded those few Negroes who dared to answer questions in class as "smart offs."

Problems of desegregation, particularly in discipline, plagued school officials. One vice principal, J. O. Powers, said that in rough periods, desegregation problems left him about an hour a day for normal administrative work.

The racial issue complicated little details. During the Christmas season, the principal of Central High School (scene of most trouble), banned the song "White Christmas." Obviously the words, "I'm dreaming of a white Christmas," had taken on a double meaning. The banning of the song caused the Mothers League to protest. Former Superintendent Blossom also observes that outside pressure caused many pro-integration students to become segregationists. Racists inside the school encouraged students to adopt their views. One group of white students roughed up a fellow white pupil who favored integration.

Most of the trouble, Blossom asserts, originated from outside the school. Of 2651 students at integrated Central High School in 1957, Blossom estimates that a nucleus of fifty students formed the main resistance to racial mixing. However, parents and troublemakers caused most of the trouble. The outsiders often did not live in Little Rock, or even in Arkansas. These observations are consistent with the conclusion of a thirteen-state survey, namely that most integration problems originate outside the school and not in the actual mixing of races itself.

Although integration in 1959 was comparatively quiet, this initial integration trial in 1957 caused nervous hardship for almost all concerned.

Washington, D. C.: As Washington is the national capital and must serve as a showplace for democracy and equality, it had a special reason to integrate as rapidly and as smoothly as possible. Moreover, many of Washington's citizens were Northerners with a racially liberal point of view. Even with these special circumstances, Washington's desegregation, which was generally rapid and successful, had its problems.

First was the problem of numbers. In the rapid integration, some schools came out racially unbalanced. Cardozo High School had two whites, 1861 Negroes; Dunbar High found itself with three whites and 1152 Negroes. On the other hand, Western High had 519 whites and two Negroes.

Those students, particularly whites, who found themselves racially outnumbered sometimes tried to change their situations. One father took his daughter out of a mainly-Negro school and entered her in a mainly-white school; he certified that she would live with her aunt in another part of town.

A more common solution was either to move from Washington to the segregated suburbs or to enroll the student in a segregated private school. Because of the general movement of whites to the suburbs in recent years, the white enrollment in Washington public schools dropped 2.7% the year before integration. In the integration year, 1954-1955, it dropped 7.8%. This suggests that a large percentage of the population disliked integration enough either to move into segregated suburbs or to pay private school tuition.

As in Little Rock, details of school life caused some problems. In 1954-1955 no school dances occurred in mixed schools, a part of social life greatly missed by all students. Integrated schools taught square dancing. But if parents objected, children could be excused. Despite integration, it should be added, dramatics, music and physical education were not disturbed.

In the classroom, integration occurred not only among the students but also in the faculty. Negro teachers taught in mixed classes. This caused few complaints. One white mother who was disturbed at the prospect of a Negro teacher for her child was requested to try the arrangement for a few weeks. She soon withdrew her request to change teachers. One reason is that the Negro teachers in Washington are well-trained. 80.6% have more than one college degree. In comparison, 77.2% of the white teachers claim the same.

Most teachers felt cooperative toward integration. One poll of teachers indicated that since desegregation, 54% had become more liberal on racial issues; very few found themselves less liberal.

Nevertheless, disturbances and tension did develop. This occurred partly because a large number of the white students had an unfavorable image of the Negroes. Carl Hansen, present superintendent of schools, found that whites frequently held these opinions of the Negroes: (1) Negro students carry switch blade knives. (2) They are very difficult to control. (3) They learn slowly. (4) They have little sense of right and wrong.

In addition to this unfavorable image of Negroes, a peculiar health problem led many to think that Negroes are diseased. In 1955 Washingtonians between 6 and 17 years of age had 2053 cases of ringworm of the scalp; 90% occurred among Negroes. This was undoubtedly caused by a lack of adequate preventative care, not by any inherent Negro fault. Nevertheless, the ringworm issue caused some disturbance among whites.

Despite these complications, the actual first days of integration were extremely smooth. Although police stood by school buildings, no violence occurred. A few segregationists displayed signs reading: "Niggers go back to Africa." These gained little reaction.

But life in the integrated schools was not entirely peaceful. In a well-known report, a Congressional Subcommittee of the House Committee on the District of Columbia reported that with integration, vandalism, fighting, truancy and stealing all rose. One high school principal, John Paul Collins, commented on the Negro students: "They went wild when they came here. They were practically beyond control. We had to read the riot act to them." Although McKinley High School is often held up as an example of successful integration, its principal said in 1955: "We are still living with it (integration tension) from day to day, hoping for the best." More specifically, in 1954 Washington had 37.1 delinquencies per 1000 colored juveniles; by 1958 the figure had dropped to 21.2. In this same period, the figure for whites remained stable at 15.2 -- 15.3.

But while the causes of Washington's delinquency can and have been debated, the important issue of academic standards has also arisen. Many claim that Negroes have pulled down Washington's public school standards. In one poll of teachers, 85% said that during the first stages of integration, they had a wider range of student achievement levels than before. Tests given to Washington students averaged one to two grades below the national norm. Of the 4000 ninth graders tested after integration, only 38% were at their grade level in reading and only 24% were up to par in arithmetic. In the latter subject, 45% scored at sixth grade level or below. As the schools were largely Negro, this is sometimes taken to mean that the colored student is educationally below his white counterpart. One third grade test of mental maturity indicated that the Negroes scored 87 while the whites scored 105. 100 is average.

In addition, students are divided by achievement into four classes: honors, college, general, and basic. Observe carefully in the following chart that the colored students tended to earn far less distinguished class assignments than the whites:

	Where White Students Went	Where Colored Students Went
Honors	16.4%	1.5%
College	41.8	11.3
General	33.6	45.7
Basic	8.2	41.5

These figures show the initial class assignments; on the basis of early error, many changes occurred. Nevertheless, the chart indicates a Negro academic record somewhat inferior to that of the white pupils. The assignments also tended to resegregate the races. Can you see how this would occur?

Although this Negro record was somewhat inferior, most integrationists attribute the poor performance to the poor educational opportunities for the Negro before integration. Said one Washington principal: "It is clear now that the schools here, while separate, were not equal." In the year before integration, for instance, the white classes averaged 34.5 pupils; colored classes averaged 38.2. In 1951-1952 Washington schools spent $345.46 for each white student; they spent only $261.43 per colored student.

The integrationists hope that desegregation will help to correct this inequality. In fact, there are already signs that the colored students are catching up rapidly. Meanwhile minor incidents occur. Many white students quietly move from the public schools. But Washington students generally remain as calm, cool and collected about integration as their next door neighbors, the Supreme Court justices who issued the desegregation order and thus started the fight.

St. Louis: In 1955 Time magazine rated 17 Southern and border states on integration progress. Only Missouri rated an "A." This largely resulted from the successful integration of schools in St. Louis, a city which is about 20% Negro.

Many factors helped St. Louis integration to succeed. First, seven years beforehand, the Catholic parochial schools had successfully integrated, thus paving the road and proving that it could be done. Second, the citizens tended to cooperate. In one poll 75% of the parents had advised their children on integration, mostly on how to make it work. Negro parents generally recommended hard work and ample study to prove equality. The white parents usually stressed polite behavior and a friendly attitude.

Third, St. Louis planned an integration in three stages. As it had specific dates for each step, the plan differed from most so-called "gradual" programs. The first step in September, 1954 involved teachers colleges and schools for the handicapped. February, 1955 witnessed the integration of adult education and all high schools except the technical ones. In September, 1955 both technical high schools and elementary schools desegregated.

New students were ordered to attend the desegregated schools in their district. But old students could stay in their old schools. Because of friendship and sentimental ties, 50% of all the Negroes stayed.

Here is the integration result: Two of the formerly all-Negro high schools were located in predominantly Negro districts; therefore their racial composition did not change much. Three high schools were 33%, 19% and 16% Negro respectively. Three other high schools have fewer than 5% Negro students and one has none. Of the nine St. Louis high schools, most are composed predominantly of one race. But some members of each race attend almost all.

The students generally accept this situation with a cooperative spirit. Some officials claim to know of only one case in which integration caused a parent to threaten withdrawal of his child. In small schools Negroes were particularly welcome; they bolstered the band and the athletic teams.

On the negative side, some desegregated schools restricted dances. The whites often held this loss against the colored students. But nevertheless, a poll taken after integration indicated that 90.2% of the students themselves approved of integration. In a city only a few hundred miles from Little Rock, this is success.

Other: While we have dealt with specific cases in the South or in border states, we should also consider both integration in the North and integration in general.

Most Northern schools are desegregated. But when the Negro population rises, these schools face problems similar to those in the South. For instance, in four years one Midwestern high school shifted from two-thirds white to two-thirds Negro. Although the teachers and students tried to remain friendly, some incidents did occur. A colored teacher mentioned that the schools' majorettes were white students. The white music teacher exploded: "The football team is all colored, the basketball team is all colored, and the choir is all colored and the band is all colored. Isn't that enough representation for you?" The subject was never mentioned again.

Although Negro boys did not "chase" white girls as some had expected, mixed dating and dancing did gradually increase. While it concerned a small percentage of the school population, one girl felt that if it were socially approved, mixing would increase considerably.

Academically, during the transition from predominantly white to mainly colored, higher mathematics and science gave way to home economics and shop. Before the transition, the school offered four foreign languages, afterward, it gave only one.

Looking at the problem of integration generally, low academic standards among Negroes are not confined to Washington, D. C. A Kirkwood, Missouri principal found that only 14% of his colored students could do average work at their grade level.

Another widespread, though minor, problem is strangely a language barrier between whites and Negroes. The white teachers sometimes find it difficult at first to understand the various Negro expressions and accents.

Additional difficulty springs from the relationship of race to discipline. Some teachers find it difficult to discipline a Negro child without giving the possible impression that race enters into their displeasure with the pupil.

Finally, integration often tends to reduce school-related social activity. In New Albany, Indiana a principal found that when Negroes and whites mixed, P.T.A. entertainments in private homes decreased. Hostesses simply disliked having mixed parties in their homes. To avoid any unpleasant interpretations, P.T.A. minstrel shows no longer appear in this Northern town either.

In conclusion, we can see that the success of an integration attempt varies with the circumstances. Generally nobody gets killed, but nobody finds the matter completely smooth either. Although integration is usually strenuous, its success is possible. Does the result merit the strain and the tension? Each citizen must decide for himself.

BIBLIOGRAPHY

Books and Pamphlets

Blossom, Virgil T. It Has Happened Here. (Little Rock). (New York: Harper, 1959).

Giles, H. Harry. The Integrated Classroom. (New York: Basic Books, 1959).

Hansen, Carl F. Miracle of Social Adjustment. (New York: Anti-Defamation League of B'nai Brith, 1957).

Knox, E. O. Democracy and the District of Columbia Public Schools. (Washington: Judd and Detweiler, 1957).

Valient, Bonita H. St. Louis Story. (New York: Anti-Defamation League of B'nai Brith, 1956).

Magazine Articles

Commonweal,	70:536	September 25, 1959
New Republic	136:14	April 15, 1957
U. S. News	37:24	September 24, 1954
U. S. News	37:40	October 8, 1954
U. S. News	38:19	January 10, 1955
U. S. News	40:38	February 3, 1956
U. S. News	42:92	January 4, 1957
U. S. News	45:40	November 7, 1958
U. S. News	46:58	February 27, 1959

Newspaper Article

Boston Traveler, April 9, 1960, p. 10.

INTEGRATION -- FALL 1960

As the seventh school year since the Supreme Court's decision on May 17, 1954 nears the half way mark, only 772 out of 2,834 biracial school districts in the seventeen Southern and border states and the District of Columbia have Negroes and whites attending school together. (It is important to note that of the 6,676 school districts in this part of the country, only 2,834 have both Negro and white residents). In many of the integrated districts only a small handful of Negroes attend integrated schools. In North Carolina 50 Negro students attend previously all-white schools; in Arkansas 102; in Florida 775; in Virginia 170. In the deep South the four little Negro girls who entered previously all-white elementary schools in New Orleans are the only Negroes in integrated schools.

States and school districts in the South have a number of choices. Some districts like Prince Edward County, Virginia may choose to shut down their public schools rather than accept any kind of integration. Some states threaten to close down their public schools and operate state-supported private schools. This plan probably won't be acceptable to the courts, for the private schools would be using public buildings and funds. Other states will follow the lead of North Carolina and its pupil placement laws. These laws allow pupil placement boards to assign students to schools on the basis of criteria other than race. This plan has been effective in keeping all but a small number of Negroes out of white schools. Finally, there is a weapon of direct personal action by white Southerners -- intimidating or attacking Negroes and whites who support integration, boycotting Negro stores, and threatening Negroes who want to enter their children in integrated schools with loss of jobs.

The next big test in the deep South will come in Atlanta, Georgia, where the court has ordered integration to start in 1961. The Governor, Attorney General, and many other state officials claim that they will close the schools before allowing any integration.

Random Notes

Washington, D. C. Although previous reports showed that Negroes did not do so well as whites on I.Q. or achievement tests, the Superintendent of Schools, Carl F. Hansen, claims that both whites and Negroes have benefitted from integrated schools. He further states that during the past five years Negro students have performed better on achievement tests than Negro students did in their segregated schools in the five year period before 1954. He also claims that white students, on the whole, have performed at least as well during the past five years on achievement tests as other white students did in the years before 1954.

* * *

Segregated schools. Latest reports show that Negroes are still getting separate "but unequal" education in Georgia. During the school year 1958-59 the total spending was $228 per white pupil, $191 per Negro. Maintenance and operation expenditures amounted to $1.65 on white schools for every $1.00 on

Negro schools. Library book expenditures averaged $1.28 for white schools for every $1.00 for Negro ones. In urban counties, 100 percent of white high schools and 95 percent of Negro ones were accredited by the Southern Association of Colleges and Secondary Schools. In the rural area the percentages were 51 for white schools and 6 for Negro.

* * *

Intelligence. Although Negroes on the average do not score so well as whites on intelligence tests, most scientists claim that this is the result of differences in environmental influences and opportunities rather than any innate lack of intelligence. As far back as World War I, intelligence tests given to soldiers showed that Negroes scored lower than whites, but that Northerners, Negro and white, scored higher than Southerners, Negro and white, and that Northern Negroes scored higher than Southern whites. Results such as these indicate that environmental factors -- differences in income, education, cultural advantages, and other opportunities -- rather than race are crucial.

BIBLIOGRAPHY

Harvard Educational Review, Summer 1960

New South, May 1960

New York Times, September 4, 1960, November 20, 1960, and December 4, 1960

Southern School News, October 1960

The Races of Mankind, Public Affairs Pamphlet #85

CHAPTER NINE, APPENDIX B-1

OUTLINE OF A TEACHING UNIT ON ORGANIZED LABOR IN AMERICA

Outline of a Unit on Organized Labor in America

I. The Central Issue

To what extent does an individual or group of men who control the employment and working conditions of many men have a responsibility for the welfare of their workers beyond minimal payment for their labor?

A. The Value Conflict: property and contract rights v. equal bargaining power, brotherhood, and community welfare

The Legal Issue: To what extent can property rights be Constitutionally limited?

B. Important Factual Questions Behind the Value Conflict

1. Did many employers treat their workers badly when there were no laws protecting the workers?

2. Are many of the problems of the workers beyond the control of a single employer?

3. What is the legal basis of contract and property rights claimed by the employer?

4. Was the bargaining power of the employee really very much less than that of the employer before the government entered the picture?

5. Was the poverty of many workers, if this was in fact the case, caused more by low pay and bad working conditions, or by their own lack of responsibility and initiative? Could the worker have improved his living conditions if he had really tried?

6. In the long range view of industrialization between the Civil War and the present, would the general welfare of the nation have been improved more by passing laws restricting the economic rights of the employer much earlier in our history?

C. Definitional Problems

1. What do we mean by "equal bargaining power?" How much wealth does the employee have to control relative to the employer before he has "equal bargaining power?"

2. How does one measure the "general welfare" of the nation? Is it measured over the period of a decade or a century? How does one choose a balance between industrial expansion of capital goods and greater production of consumer goods?

3. To what extent must a contract, if broken, inflict equal injury to both parties before it can be considered a "fair" contract?

D. Analogies to Make a Value More Salient

1. Analogies emphasizing property and contract rights

    (a) The fable of the "Grasshopper and the Ant."

    (b) Castro's seizure of American property in Cuba.

2. Analogies emphasizing equality, brotherhood, and general welfare

    (a) Let us assume that a man has found a very cheap way to manufacture an important drug. The only problem is that his factory spreads fumes over the neighborhood, causing a great deal of sickness. Would it be unreasonable to force him to change his location, even at some hardship to him?

    (b) The highway department wants to straighten out a road because many people have been killed on a dangerous curve. In order to do this, however, they will have to move several houses. Do they have the right to force people to move?

    (c) A man and his family are dying of thirst in the middle of the desert. A second man comes along and offers to give them water and take them out of the desert if the man will work for him for very low pay. Is this a reasonable contract?

II. The Collective Bargaining Issue

Should the owner surrender some control over the way he deals with his employees, and bargain collectively with the workers? Should the owner resist, tolerate, or welcome the labor union?

A. The Value Conflict: property and contract rights of the owner and often the order and stability of the community

v.

equal bargaining power and contract rights of the worker

B. Important Factual Questions Behind the Value Conflict

1. Will employees make unreasonable demands on employers if given more equal bargaining power?

2. What is the legal basis of the property and contract rights of the employer?

3. Is the purpose of the union simply to represent the workers, or eventually to work with management in running the factory? Is recognition of the union the first step toward socialism or communism?

4. Will the union and collective bargaining provide such powerful weapons for the workers that the employer will need legal protection?

5. Are there enough intelligent and responsibile men in the ranks of labor to offer enlightened leadership to carry on collective bargaining?

6. If and when violence occurs, is the employer or the union generally responsible?

C. Definitional Problems

    1. What is collective bargaining? Is it simply the employer's willingness to negotiate over wages and working conditions with some of his more skilled workers? How many workers should have given their consent before a union "represents" them?

    2. Is a "job' "property?" Should a worker retain his job in a strike?

    3. If the workers have the right to "peaceful picketing," what does this include?

D. Analogies to Make a Value More Salient

    1. Analogies emphasizing property and contract rights

        (see issue one)

    2. Analogies emphasizing the right to bargain collectively

        (a) People living in a community have the right to govern themselves; why shouldn't the people who work in a factory have the same right?

        (b) You and your friends are playing a game of football. There is a dispute over a ground rule. Most of the boys want the rule to be one thing; the boy who owns the football wants it to be something else. Should they discuss it and reach some common agreement, or should the boy who owns the football get his way or take the football and go home?

III. The Issue of Government Regulation

Should the government use its power to force employers to bargain with the workers ~~and/or~~ guarantee the workers minimum pay and "safe" working conditions?

Should the government force employers to tolerate unions and bargain collectively with unions, or should they continue to allow the employer freedom to resist dealing with labor unions?

A. The Value Conflict: property and contract rights and peace and order
v.
freedom of association and "general welfare" of the community

B. Important Factual Questions Behind the Value Conflict

1. Is there a legal or Constitutional basis for the employer's property rights?

2. Is there a legal or Constitutional basis for the government's decision to restrict property rights?

3. Will collective bargaining actually improve wages and working conditions, or are employers doing as much as they can for workers already? Can the employer "afford" to pay more?

4. Will higher wages simply be passed on to the public in higher prices, so that the average working man is no better off after he has succeeded in obtaining these wages?

5. If union organizers are given freedom to start labor unions, won't this create a great deal of confusion and disorder within factories where rival unions are attempting to organize?

C. Definitional Problems

1. Does the governmental power "to regulate interstate commerce" include the right to require employers to tolerate and bargain collectively with labor unions?

D. Analogies to Make a Value More Salient

1. Analogies emphasizing property and contract rights:

(a) There are no unions in the military service.

(b) If you believe that certain persons hold ideas dangerous to your organization, why should you be forced to hire them?

2. Analogies emphasizing freedom to organize.

   (a) If you are going to start a bowling team to compete successfully with one your boss is already on, should he be able to fire you to keep such a team from starting?

   (b) You know a few doctors who charge high fees, perform operations that are unnecessary, and who refuse to treat patients who do not have enough money to pay them. You start an organization to expose these bad doctors. You soon learn that unless you give up your idea of starting such an organization, no doctor will treat you or your family when you get sick. Is this right?

Should the government pass legislation setting minimum wages, hours, and working conditions?

A. The Value Conflict: employer's property and contract rights v.
"general welfare" of the community

B. Important Factual Questions Behind the Value Conflict

1. Is there a legal or Constitutional basis for the employer's property rights?

2. Is there a legal or Constitutional basis for the government's decision to regulate wages, hours, and working conditions?

3. Will such legislation actually force many businessmen out of business and actually injure the general welfare?

4. Will such legislation simply pass on the cost of higher wages to the worker in the form of higher prices?

C. Definitional Problems

1. How does one arrive at a definition of a "living wage" or a "maximum work week?"

2. Does the regulation of wages and hours come under the Federal Government's right to regulate interstate commerce?

D. Analogies to Make a Value More Salient

1. Property and Contract (see above)

2. Analogies emphasizing general welfare (see I, D, 2, a and b)

IV. The Issue of Union Security Rules and Right to Work Laws

A. The Value Conflict: personal freedom of the worker to join or not to join the union v.
general welfare of all the workers; equal benefits from equal responsibility

B. Important Factual Questions Behind the Value Conflict

1. To what extent does union membership bring benefits and rewards to the worker?

2. How many workers actually feel that their freedoms are being taken away when they are required to join a union as a condition of employment?

3. To what extent is the job security of the unionized worker contingent upon compulsory union membership for all workers?

4. To what extent is a union weakened when it is unable to bargain for a union shop?

5. To what extent does a union shop provide so much security that a dishonest or ineffective union is allowed to remain in power?

C. Definitional Problems

What does the term "Right to Work" really mean?

D. Analogies to Make a Value More Salient

1. Analogies emphasizing personal freedom

(a) You move to a town in which the main political party is the Republican Party. The local real estate agents who sell most of the houses in the town, have an agreement that they will not sell anyone a house unless he promises to join the Republican Party.

(b) A man owns a large swimming pool and golf course. For a reasonable fee, anyone can swim or play golf there. Then a man starts an organization called the Ritzy Country Club Association. He tells the owner of the pool and golf course that anyone who wants to use these facilities must join the Ritzy Country Club Association. In return, he gets special rates for members of the Association. The owner is happy to let anyone use his facilities until Ritzy gets a law passed saying that if most of the people who use the facilities belong to the Association, everyone must join.

2. Analogies emphasizing equal benefits from equal responsibility

(a) Three men decide to start a business. Two are willing to risk their life savings. The third man says he will work for the other two, but will not put up any money. He thinks it is too risky. When the business succeeds, should all three share the rewards equally?

(b) Through the use of taxes a town builds roads, provides water, builds and supports schools, etc. Several people in town who feel that the government is not efficient enough say they do not want to pay taxes. Should they?

V. To What Extent Does a Labor Leader Have a Responsibility to Maintain Democratic Leadership?

A. Value Conflict: maintaining an open consent process, free speech, etc.
v.
maintaining discipline and continuity in leadership to bargain effectively with management

B. Important Factual Questions Behind the Value Conflict

1. Are democratic unions necessarily less efficient and effective than unions with strong centralized leadership?

2. Are there some negative effects of autocratic unions which weaken them, apart from the issue of corruption and lack of responsiveness to membership?

3. Do union members really want to participate in the democratic procedures of the union, or do they feel they are just as well off letting the leaders run the union? Would the average union member participate in running his union, even if he were guaranteed the opportunity?

C. Definitional Problems

1. Precisely what procedures and practices of a union would be characterized as "democratic" and "undemocratic?"

2. What do we mean by "effective union leadership?" Is this measured only in terms of wages, benefits, and working conditions?

D. Analogies to Make a Value More Salient

1. Analogies emphasizing the democratic process

(a) When Mussolini took over Italy in the 1920s, people said it was good because he made the trains run on time. Does this justify his leadership?

(b) If we found that by searching people's homes without search warrants we could solve "crimes" more effectively, would this be all right?

2. Analogies emphasizing efficiency

If a general is in battle, should he take a vote among his troops (or in Congress) before deciding what to do next?

CHAPTER NINE, APPENDIX B-2

DESCRIPTIVE GUIDE TO MATERIALS ON ORGANIZED LABOR IN AMERICA

DESCRIPTIVE GUIDE TO MATERIALS ON ORGANIZED LABOR IN AMERICA

Title	Type of Material	Specific Function
"Changes Brought by the Industrial Revolution"	historical background	An historical account of the major changes brought by the rapid industrialization of America in the latter half of the 19th century. The same historical material is appropriate for units on labor management relations, business competition, immigration, and farm problems.
"Hunger" excerpts from a short story	emotional impact and conceptual background	Excerpts from a short story by Anna Yezierski describing the living conditions of an immigrant girl.
Excerpts from "Sister Carrie"	emotional impact and conceptual background	Similar to "Hunger" with greater emphasis on the monotony and tediousness of the work.
"Industrial America in the Late 1800s: the Rich and the Poor"	emotional impact and conceptual background	This document serves two purposes: it shows how industrialization tends to increase the level of economic inequality, as well as dramatizing the conditions of insecurity borne by the average working man.
"An Introduction to Collective Bargaining and the Development of American Labor Unions"	historical background	This might be considered the point at which the unit actually begins. It sets the stage for some controversial discussions regarding the rights of the workers and the rights of owners and managers of capital property.
"The Homestead Strike"	controversial case	One of the first major battles over job rights versus property rights. Since both sides use violence, this further complicates the issue.

DESCRIPTIVE GUIDE TO MATERIALS ON LABOR MANAGEMENT RELATIONS (continued)

Title	Type of Material	Specific Function
"The Pullman Strike"	controversial case	This is similar to the Homestead Strike, except that the government takes a more active role in breaking the strike and punishing the strike leaders.
"The Wagner Act"	controversial case	The procedures suggested by the National Labor Relations Bill are treated as a contemporary political issue, even though it is presently labor history.
"Collective Bargaining" a Canadian film	conceptual background	A dramatized presentation of a case in which workers seek to unionize their plant. The step by step process is developed simply and naturally.
"Brown and Sharpe"	conceptual background	Description of a fairly complicated labor dispute involving much government mediation because of the Korean War.
"Kohler Case"	controversial case	Detailed description of the recent prolonged dispute between Kohler and the United Auto Workers. The strike has many of the ingredients of early labor disputes, as well as the benefit of modern labor legislation. It is treated as an unresolved controversy, although it ended officially September 29, 1962.
"Better Wages and Working Conditions"	historical and legal text	This text shifts the issue from collective bargaining as a means of improving wages and working conditions to direct federal legislation affecting hours, wages, job security, and old age insurance.
"The Darby Case" (a film)	controversial case	Presents the test case of the Fair Labor Standards Act as a contemporary controversy.

Title	Type of Material	Specific Function
"Major Trends in the Labor Movement Since 1930"	historical background	This text makes a rapid transition from the problem of providing adequate safeguards to protect the worker from employer abuse to the problem of providing adequate safeguards against abuse by autocratic union leaders.
"Responsible Union Leadership: the Teamsters"	conceptual background	Presents a report of the first Teamsters scandals involving Beck and his associates.
"The United Rubber Workers"	conceptual background	In contrast to the Teamsters, this case deals with a union which has a history of fairly responsible leadership.
"The Steelworkers"	controversial case	The United Steelworkers contains some of the autocratic features of the Teamsters without the obvious corruption and use of fear and intimidation as means of political control. The question is: Can a union this big and with this much centralized power be responsive to the will of its members?
"Government Efforts to Restrict Union Power: Right to Work Laws."	historical background	This text presents the Taft-Hartley law and then suggests one of the major problems which has grown out of this law: the right of the state to outlaw the union shop.
"The Thompson Company"	controversial case	Presents the dilemma in the issue of the union shop.
Updating"		Some recent developments in labor history.

CHAPTER NINE, APPENDIX B-3

SAMPLE DOCUMENTS OF INSTRUCTION FOR A UNIT ON ORGANIZED LABOR IN AMERICA

CHANGES BROUGHT BY THE INDUSTRIAL REVOLUTION

In the last 150 years many great changes have taken place in the life of the average American. We often think of these changes in terms of jet planes, earth satellites, and atomic submarines. However, one of the most important changes is so common that all of us accept it as if it had always been there. It is the way people make a living. At the time of the American Revolution, most Americans were farmers. In this part of the country they owned small farms and worked them with the help of their families and relatives. They raised their own food, chopped their own wood, often spun yarn, and wove their own fabrics from which they made clothes. Their transportation was mainly the horse and wagon. Each village and its surrounding countryside was a small world in itself. It depended little on what happened a hundred miles away, much less a thousand miles away. People made a living either by working for themselves or by working directly for the owner of a farm or shop. There was close personal contact between most people, for they depended upon one another. They understood each other's needs and problems.

Then came the factories: hundreds of men, women, and children working within a single building, all making the same thing. No longer was there personal contact between the owner and the worker. The owner spent a good deal of his time looking after the problems of buying raw materials to be used in his factory and figuring out how to build a bigger and bigger business. The owner could not possibly know all his workers. He was too busy taking care of larger problems. The owner hired bosses to tell the workers what to do. He hired a manager to run each of his factories. The manager hired foremen to supervise the men, women, and children who worked within the factories. In many cases the foreman did not feel that he needed to treat the workers well. He felt responsible only to the manager. The manager felt responsible only to the owner. No one felt responsible to the worker. The worker could easily be replaced, for there were plenty of workers.

This change from the farm and shop to machine and factory is called the Industrial Revolution. It altered greatly the way people worked together and the way they felt about the people with whom they worked. In the early days of the American republic, workers owned their own farms, their own shops, and their own tools. If they did not own their own tools and farms and shops, they worked closely with the men who did. People most often worked in the same place in which they lived. They lived on a farm and they worked on a farm. People depended for work and help mainly upon the people they knew personally. The factory system changed all that. Workers left the personal surroundings of their homes and entered great brick barns filled with cold steel machines and strange bosses. They did not know their bosses, who looked upon them as a part of the machines they tended.

Furthermore, this change from the farm and the shop and the village to the factory and the town and the city took place very fast. In 1790, only one out of thirty Americans lived in a place that we would call a city. By 1840, large numbers of immigrants were crowding into Eastern cities like Boston and New York. With these immigrants, who were needed to work in the factories, came crowding and slums. The unskilled immigrants had nothing to offer but sweat and muscle and the factory owners knew it. The immigrants worked long hours for little pay. To refuse to work was to starve. If they protested, they were fired. The government of the city, state, and nation would not interfere. Most men in government believed it was wrong to meddle with agreements between employers and workers. "Men should be able to run their businesses as they see fit," government leaders said.

Under this new system of producing things with machines in large factories, some people thought men had become slaves. The worker became a slave to the machine and the foreman. The foreman became a slave to the manager. The manager was a slave to the owner. The owner was a slave to the idea of producing more and more goods: more steel, more shoes, more textiles, all at a lower and lower price. The strength and might of America's industrial power, of her factories and railroads, were built at the cost of much sweat and toil and hardship. The American workingman -- the man who could most easily be replaced -- probably bore the greatest share of this hardship.

What the Change was Like

Let's go back eighty years. Imagine it is the 1880's rather than the 1960's. Tomorrow, at five in the morning, you, your older brothers and sisters, and your father get up, put on some shabby work clothes, and hurry off together to the factory where all of you work. Once there, you help an older worker tend a great machine until seven. A bell rings, signalling the half-hour for breakfast. At seven-thirty, another bell calls you back to the machine, and there you stay until noon. You have a half-hour for lunch. You then work until six in the evening. The final bell rings. You meet your father and two brothers at the gate and all walk wearily home together.

Home is a one-family house which has been turned into a barracks-like building with each family sharing one or two rooms. Outside the house, the streets are muddy in the spring and hot and dusty in the summer. The air is constantly filled with the smoke and the foul smell of factory wastes that are dumped into the nearby river. The river is, in fact, an open sewer, a liquid dump heap into which are poured the chemical solutions and dyes which have been used in the factory. The houses of the workers are built close to the factories, some even beside the factory walls. The smoke from the chimneys settles down over the roofs of the houses, over ragged clothes hung out to dry, and over small children, too young to work in the factories, who are playing in the muddy yards.

CARRIE MEEBER -- A STORY OF WORKING CONDITIONS IN THE UNITED STATES IN 1900

Carrie Meeber was eighteen years old when she arrived in Chicago. Back home in Columbia City the family had little enough money, and there was nothing a young girl could do -- no job she could get -- to help out. So it was decided that Carrie should go to the city to try her luck.

To be free and independent in a bustling city was an exciting thought, and Carrie was eagerly looking forward to her new life. The day after she arrived in Chicago, Carrie set out to look for work. But after walking the streets all morning and part of the afternoon, she was very discouraged. She had asked at department stores: yes, they needed salesgirls, but they wanted ones who had some experience at this kind of work. Carrie wouldn't do. She had asked at clothing manufacturing companies, but they were all full -- didn't need anyone now, but if she wanted to leave her name, well perhaps in a few weeks ....

It was late in the afternoon, and Carrie decided to make one last try before she gave up for the day. In walking along Fifth Avenue, south towards Van Buren Street, she passed the door of a large wholesale shoe house, and through a plate glass window she could see a middle-aged gentleman sitting at a small desk. Out of desperation she decided to take a chance. She walked straight through the door and up to the gentleman, who looked at her tired face with some interest.

"What is it?" he said.

"Can you give me something to do?" said Carrie.

"Now I really don't know,' he said kindly. "What kind of work is it you want -- you're not a typewriter, are you?"

"Oh, no," answered Carrie.

"Well, we only hire bookkeepers and typewriters here. You might go around to the side and inquire upstairs. They did want some help upstairs a few days ago. Ask for Mr. Brown."

Carrie hurried around to the side entrance and was taken up by the elevator to the fourth floor.

"Call Mr. Brown, Willie," said the elevator man to a boy near by.

Willie went off and soon returned with the information that Mr. Brown said she should sit down and that he would be around in a little while.

"So you want something to do?" said Mr. Brown, when he arrived. "Have you ever worked in a shoe factory before?"

"No, sir," said Carrie.

"What is your name?" he asked, and when she told him he replied, "Well, I don't know as I have anything for you. Would you work for four dollars and a half a week?"

Carrie had been sure that he would offer her at least six dollars, but she was so worn out by her hopeless search that day, that she just nodded. Mr. Brown took her name and address.

"Well," he said finally, "you report here at eight o'clock Monday morning. I think I can find something for you to do."

On Monday morning, Carrie appeared at the shoe factory. Mr. Brown turned her over to the foreman who asked crossly, "You've never worked at anything like this before, have you?"

"No, sir," she answered.

He seemed rather annoyed at having to bother with such help but he led her across to where a line of girls sat on stools in front of clacking machines. He spoke to one of the girls.

"You," he said, "show this girl how to do what you're doing."

The girl gave Carrie her place.

"It isn't hard to do," she said. "You just take this so, fasten it with this clamp, and start the machine."

She showed Carrie how to take the piece of leather and punch the holes where the shoe laces would go. Then she watched while Carrie tried it. Seeing that it was fairly well done, she went away.

The pieces of leather came from the girl at the machine to her right and were passed on to the girl at her left. Carrie saw at once that an average speed was necessary or the work would pile up on her and all those below would be held up. She had no time to look around, so she bent anxiously to her work.

She worked continually at this job for some time. She felt strange as the minutes passed, for the room was not very light, and it had a thick smell of fresh leather. She felt the eyes of the other people upon her, and she worried for fear she was not working fast enough.

Once, when she was fumbling at the little clamp, having made a small mistake in setting in the leather, a great hand appeared before her eyes and fastened the clamp for her. It was the foreman. Her heart thumped so that she could hardly see to go on.

"Start your machine," he ordered, "start your machine! Don't keep the line waiting."

As the morning wore on, the room became hotter. She felt the need of a breath of fresh air and a drink of water, but she did not dare move. The stool she sat on was without a back-or foot-rest, and she began to feel uncomfortable. She found, after a while, that her back was beginning to ache. She twisted and turned from one position to another, but it did not help her for long. She was beginning to get very tired.

"Stand up, why don't you?" said the girl at her right. "They won't care."

She stood up from her stool and worked that way for a while, but it was even a more difficult position. Her neck and shoulders ached in bending over. So she sat down again.

Carrie at last could scarcely sit still. Her legs began to tire and she wanted to get up and stretch. Would noon never come? It seemed as if she had worked an entire day. She was not hungry at all, but she was weak and her eyes were tired from straining at the one point where the eye-punch came down. There was nothing to be done, however. The leather pieces came piling steadily down. Her hands began to ache at the wrists and then in the fingers, and towards the last she seemed one mass of dull, complaining muscles, fixed in an unchanging position and performing a single mechanical movement which became more and more unpleasant until at last it was absolutely sickening.

* * *

Under better working conditions, this kind of work would not have been so bad, but it had not occurred to factory owners to give their employees a pleasant place to work. The place smelled of the oil of the machines and the new leather -- a combination which, added to the stale smells of the building, was not pleasant even in cold weather. The floor, though swept each evening, was always littered with scraps. Instead of thinking about the comfort of the workers, the bosses seemed to believe it was a good thing to give them nothing and make the work as hard and unrewarding as possible. What we know of foot-rests, swivel-back chairs, dining-rooms for the girls, clean aprons supplied free, and a decent ladies' room was unthought of. The washrooms were disagreeable, crude, if not unsanitary places, and the whole atmosphere was disgusting.

For this hard, tiring, disagreeable work, Carrie was paid $4.50 a week. After she had paid $4.00 for room and board, this left her with fifty cents a week with which to buy clothes and entertainment and to ride on the streetcar on days when it rained or snowed.

INDUSTRIAL AMERICA -- THE LATE 1800'S: THE RICH AND THE POOR

The Testimony of an Unemployed Textile Worker

Q. What is your business? A. I am a mule-skinner by trade. I have worked at it since I have been in this country -- eleven years.

Q. Are you a married man? A. Yes, sir; I am a married man; have a wife and two children. I am not very well educated. I went to work when I was young, and have been working ever since in the cotton business, went to work when I was about eight or nine years old. I was going to state how I live. My children get along very well in summertime, on account of not having to buy fuel or shoes or one thing and another. I earn $1.50 a day and can't afford to pay a very big house rent. I pay $1.50 a week for rent, which comes to about $6.00 a month.

Q. That is, you pay this where you are at Fall River? A. Yes, sir.

Q. Do you have work right along? A. No, sir, since that strike we had down in Fall River about three years ago I have not worked much more than half the time, and that has brought my circumstances down very much.... And another thing that helped to keep me down: A year ago this month I buried the oldest boy we had, and that brings things very expensive on a poor man. For instance, it will cost there, to bury a body, about $100.... Doctors' bills are very heavy -- about $2.00 a visit; and if a doctor comes once a day for two or three weeks it is quite a pile for a poor man to pay.

Q. They charge you as much as they charge people of more means? A. They charge as much as if I was the richest man in the city, except that some of them might be generous once in a while and put it down a little in the end; but the charge generally is $2.00. That makes it hard....

Q. How much money have you got? A. I have not got a cent in the house, didn't have when I came out this morning.

Q. How much money have you had within three months? A. I have had about $16 inside of three months.

Q. Is that all you have had within the last three months to live on? A. Yes; $16.

Q. Do you think you have had $150 within a year? A. No, sir.

Q. Have you had $125? A. Well, I could figure it up if I had time. The thirteen weeks is all I have had.

Q. The thirteen weeks and the $16 you have mentioned? A. Yes, sir.

Q. That would be somewhere about $133, if you had not lost any time? A. Yes, sir.

Q. That is all you have had? A. Yes, sir.

Q. To support yourself and wife and two children? A. Yes, sir.

Q. How many live in that way down there? A. I could not count them, they are so numerous. I suppose there are one thousand down there.

Q. A thousand that live on $150 a year? A. They live on less.

Q. Are you a good workman? A. Yes, sir.

Q. Were you ever turned off because of misconduct or incapacity or unfitness for work? A. No, sir.

Q. Or because you did bad work? A. No, sir.

Q. Or because you made trouble among the help? A. No, sir.

Q. Did you ever have any personal trouble with an employer? A. No, sir.

* * *

Q. How many pounds of beefsteak have you had in your family, that you bought for your own home consumption within this year that we have been speaking of? A. I don't think there has been five pounds of beefsteak.

Q. You have had a little pork steak? A. We had a half pound of pork steak yesterday; I don't know when we had any before.

Q. What other kinds of meat have you had within a year? A. Well, we have had corn beef twice I think I can remember this year -- on Sunday, for dinner.

Q. What have you eaten? A. Well, bread mostly, when we could get it; we sometimes couldn't make out to get that, and have had to go without a meal.

Q. Has there been any day in the year that you have had to go without anything to eat? A. Yes, sir, several days.

Q. More than one day at a time? A. No.

Q. How about the children and your wife -- did they go without anything to eat too? A. My wife went out this morning and went to a neighbor's and got a loaf of bread and fetched it home, and when she got home the children were crying for something to eat.

Q. Have the children had anything to eat today except that, do you think? A. They had that loaf of bread -- I don't know what they have had since then, if they have had anything.

Q. Did you leave any money at home? A. No, sir.

Q. If that loaf is gone, is there anything in the house? A. No sir; unless my wife goes out and gets something; and I don't know who would mind the children while she goes out.

Q. Has she any money to get anything with? A. No, sir.

Q. Have the children gone without a meal at any time during the year? A. They have gone without bread some days, but we have sometimes got meal and made porridge of it.

Q. What kind of meal? A. Sometimes Indian meal, and sometimes oatmeal.

Q. Meal stirred up in hot water? A. Yes, sir.

Q. Is it cold weather down there now? A. It is very cold now.

Q. What have the children got on in the way of clothing? A. They have got along very nicely all summer, but now they are beginning to feel quite sickly. One has one shoe on, a very poor one, and a slipper that was picked up somewhere. The other has two odd shoes on, with the heel out. He has got cold and is sickly now.

Q. Have they any stockings? A. He has got stockings, but his feet come through them, for there is a hole in the bottom of the shoe.

Q. What have they got on the rest of their person? A. Well, they have a little calico shirt -- what should be a shirt; it is sewed up in some shape -- and one little petticoat, and a kind of little dress.

Q. You had $1.00 or $2.00 worth of coal last winter? A. I think it was a quarter of a ton, and I believe it was $2.25 worth.

Q. Is that all you have had? A. That is all I had last winter. All the rest I picked up -- wood.

Q. You say that a good many others are situated just like you are? A. Yes, sir. I should say as many as a thousand down in Fall River are just in the same shape, if not worse; though they can't be much worse. I have heard many women say they would sooner be dead than living. I don't know what is wrong, but something is wrong. There is an overflow of labor in Fall River.

Q. Do you see any way out of your troubles -- what are you going to do for a living -- or do you expect to have to stay right there? A. Yes. I can't run around with my family.

Q. You have nowhere to go to, and no way of getting there if there was any place to go to? A. No, sir; I have no means nor anything so I am obliged to remain there and try to pick up something as I can.

Life Among the Idle Rich

We here reach a period when New York society turned over a new leaf. Up to this time for one to be worth a million of dollars was to be rated as a man of fortune, but now bygones must be bygones. New York's ideas as to values, when fortune was named, leaped boldly up to ten millions, fifty millions, one hundred millions; and the necessities and luxuries followed suit. One was no longer content with a dinner of a dozen or more, to be served by a couple of servants. Fashion demanded that you be received in the hall of the house in which you were to dine by from five to six servants, who, with the butler, were to serve the repast -- the butler, on such occasions, to do alone the headwork, and under him he had these men in livery to serve the dinner, he to guide and direct them. Soft strains of music were introduced between the courses, and in some houses gold replaced silver in the way of plate; and everything that skill and art could suggest was added to make the dinners not a vulgar display but a gastronomic effort evidencing the possession by the host of both money and taste....

Just at this time a man of wealth who had accumulated a fortune here resolved to give New Yorkers a sensation, to give them a banquet which should exceed in luxury and expense anything before seen in this country. As he expressed it, "I knew it would be a folly, a piece of unheard-of extravagance, but as the United States government had just refunded me ten thousand dollars, exacted from me for duties upon importations (which being excessive, I had petitioned to be returned me, and had quite unexpectedly received this sum back), I resolved to appropriate it to giving a banquet that would always be remembered." Accordingly he went to Charles Delmonico, who in turn went to his cuisine classique to see how they could possibly spend this sum on this feast. Success crowned their efforts. The sum in such skillful hands soon melted away, and a banquet was given of such beauty and magnificence that even New Yorkers, accustomed as they were to every species of novel expenditure, were astonished at its lavishness, its luxury. The banquet was given at Delmonico's on Fourteenth Street. There were seventy-two guests in the large ballroom looking on Fifth Avenue.

The table covered the whole length and breadth of the room, only leaving a passageway for the waiters to pass around it. It was a long extended oval table, and every inch of it was covered with flowers, excepting a space in the center, left for a lake, and a border around the table for the plates. This lake was indeed a work of art; it was an oval pond, thirty feet in length, by nearly the width of the table, inclosed by a delicate golden wire network reaching from table to ceiling, making the whole one grand cage; four superb swans, brought from Prospect Park, swam in it, surrounded by high banks of flowers of every species and variety, which prevented them from splashing the water on the table. There were hills and dales; the modest little violet carpeting the valleys, and other bolder sorts climbing up and covering the tops of those miniature mountains. Then, all around the enclosure and in fact about the entire table, hung little golden cages with fine songsters who filled the room with their melody, occasionally interrupted by the splashing of the waters of the lake by the swans and the cooing of these noble birds and at one time by a fierce combat between these stately, graceful, gliding white creatures. The surface of the whole table, by clever art, was one unbroken series of undulations, rising and falling like the billows of the sea, but all clothed and carpeted with every form of blossom. It seemed like the abode of fairies, and when surrounding this fairyland with lovely young American womanhood, you had indeed an unequaled scene of enchantment. But this was not to be alone a feast for the eye, all that art could do, all that the cleverest men could devise to spread before the guests, such a feast as the gods should enjoy, was done, and so well done that all present felt, in the way of feasting, that man could do no more! The wines were perfect. Blue seal Johannisberger flowed like water. Incomparable '48 claret, superb Burgundies, and amber-colored Madeira, all were there to add to the intoxicating delight of the scene. Then soft music stole over one's senses; lovely women's eyes sparkled with delight at the beauty of their surroundings, and I felt that the fair being who sat next to me would have graced Alexander's feast.

BIBLIOGRAPHY

Forty-eighth Congress, Senate Committee on Education and Labor, Report.... upon the Relations between Labor and Capitol (Washington, 1885), in The People Shall Judge, Volume II, (Chicago, 1949), pp. 36-41.

McAllister, Ward. Society as I Have Found It, (1890) in The Heritage of America (Boston, 1939), pp. 890-895.

AN INTRODUCTION TO COLLECTIVE BARGAINING:

THE DEVELOPMENT OF AMERICAN LABOR UNIONS

A Way for Workers to Gain Power -- Organize Labor Unions

In the midst of the great hardships workers endured in the latter part of the 19th century, they began to think about joining together to fight for better treatment: better wages, shorter hours, better education for their children. Groups of workers who join together for self-protection are called labor unions. The history of labor unions in America goes back a long way, but the rise of large and powerful unions is new, only about thirty years old.

The Weapons of Unions and Owners

The union has two major weapons. It can bargain with the owner for better wages and working conditions and threaten to strike. Or it can press for government action and threaten to have all its members vote against government officials if those officials do not help labor. The owner or employer did not like the idea of workers joining together and suggesting that he change the way he ran his factory. Many businessmen thought this was a form of socialism or communism. They considered that the right to own and use their property in the way they pleased was a very important right given to them by the Constitution. They also considered it the government's duty to protect their property. This meant that it was the government's duty to keep labor unions well in hand. Businessmen themselves developed a number of weapons to keep "communistic conspiracies," as they called labor unions, from becoming powerful.

a) Employers often forced workers to sign a contract swearing that they would never join or help organize a union. These were called yellow-dog contracts by the unions.

b) Employers fired workers who were suspected of union activity. Often they would tell other employers about such a worker to prevent the worker from getting a job anywhere. This was called blacklisting the worker. Blacklisted workers found it very hard to get any work.

c) Employers sometimes hired spies to work in their factories to find out what men were trying to organize the workers into unions. Once a union leader was discovered, he would immediately be fired and blacklisted.

d) When the union felt strong enough it would bargain with the employer for higher wages and perhaps for shorter hours and better working conditions. If the employer did not give in, the workers would threaten to strike. When there was a strike, the employer might do one of two things. He could lock up his factory and starve the workers into submission. This, of course, also worked a hardship on his own business. Instead of locking up his factory, he sometimes hired new workers to replace the striking workers. This would make the strikers very angry and frightened. The strikers often became violent and tried to prevent the new workers, or strikebreakers, as they were called, from entering the factory. For this reason, strikebreakers were often well armed. Some were even hired from detective agencies. When the strikers threatened violence, they would be shot or beaten back.

e) Property rights and contract rights are both protected by the law. Businessmen and factory owners looked upon the union, and especially the strike, as a real threat to these rights. They could often persuade government officials that a strike was going to take away certain of their property or contract rights and that the union should be ordered by the government not to strike. Employers often got injunctions from the government to prevent unions from calling strikes.

An injunction is an order issued by a court restraining a person or persons from doing something or committing some act. During the late 1800's and early 1900's owners and managers seemed to have willing allies among judges who issued injunctions **against unions during strikes. This action** was justified on the ground that strikes were a conspiracy in restraint of trade and therefore a violation of the Sherman Anti-Trust Act. Many persons besides labor members and officials felt that this was an unfair use of judicial power. Labor unions led the demand that this use of the injunction be abolished.

In late 1914 Congress passed the Clayton Anti-Trust Act, which, among other things, contained sections very favorable to unions. One of these forbade federal courts to issue injunctions in labor disputes "unless necessary to prevent irreparable damage to property." No injunction should interfere with peaceful strikes, picketing, boycotts, or union meetings. The unions' position was thus greatly strengthened.

Summary of Weapons Used by Labor and Management

Weapons of Labor

1) Organize all workers into a large group, a labor union. Threaten to strike if the management will not sign a contract with the union giving the workers what they want.

2) Urge the government to pass laws forcing management to give higher wages, and better working conditions.

Weapons of Management

1) Yellow-dog contract

2) Firing workers for union activity

3) Blacklisting

4) Labor spies

5) Lock out and strikebreakers

6) Government injunction

These were the weapons that the unions and the factory owners and managers could use. The unions' basic aim was to force the owners to talk or bargain, not with the workers as single individuals, but with the whole group of workers. Only in this way, the workers felt, would the owner or employer listen to the workers. The owner could fire one worker, but he could not fire all the workers. The idea of bargaining with all the workers as a group is called collective bargaining. Many employers and government officials considered the idea of collective bargaining socialistic or communistic. The employers wanted each man to bargain for himself and to make a contract for himself. This, they thought, was the American way of individual enterprise. The workers realized, however, that as individuals they did not have the power to deal with the employer on equal terms, especially in times of depression. If the worker did not like his contract, he could quit but there were no jobs to be found. If the employer did not like his contract, he could fire the worker, and it was an easy matter to hire a new worker, with thousands of unemployed men looking for work.

Labor Strife Between the Civil War and the Great Depression

The Civil War ended in 1865. The slaves in the South were freed. The North had not only built up great armies to crush the South, it had also built factories and railroads to support those armies. Now the war was over and the country was fast becoming a nation of factories and cities rather than shops and farms and small towns. Immigrants from foreign lands poured into the cities to fill the factories. Men, women, and children left the farms to seek work. Enterprising, ambitious men built new factories and new businesses, and invented new machines to make things faster and cheaper. Some men became very rich; many people stayed poor. The poor people fought for the right to work, to have secure and well-paid jobs. They fought with strikes, and sometimes with riots and violence. The owners and businessmen fought back. The government was often on the owners' side. They could fight with injunctions, with police and militia, and with private detectives.

Samples of the Struggle

In 1886, there were bitter battles in Chicago for the eight-hour day. There were open attacks upon strike-breakers. On the evening of May 4, Haymarket Square in Chicago was filled with angry workers and tense policemen. Suddenly a bomb was thrown, killing seven policemen and injuring sixty-six people. Eight men were found guilty of the crime in a trial marked with hysterical excitement. Four were hanged, one committed suicide, and three were sent to prison. Seven years later the three who were sent to prison were pardoned by Governor Altgeld of Illinois who said that the men had not been given a fair trial. The bomb is now believed to have been thrown by one Rudolph Schnaubelt, who disappeared into the crowd and was never caught.

In 1892, the Amalgamated Iron, Steel and Tin Workers struck at the Carnegie Steel Plant at Homestead Pennsylvania. The manager of the plant, Henry Frick, hired three hundred Pinkerton detectives to enter the town and to run the plant. His intention was to break the strike and the union. On July 6, an all-day pitched battle was fought between the detectives and the workers. Seven were killed and many wounded. The Governor of Pennsylvania sent 8000 troops into Homestead to restore law and order.

In Seattle, in February 1919, the city was paralyzed by a strike of over 60,000 workers in all industries.

In 1922, the steel workers demanded the right to collective bargaining, the eight-hour day, and an increase in wages. Elbert Gary, Chairman of the United States Steel Corporation, replied that he would refuse to do business with the unions. Steel workers in nine states struck. The steel companies, supported by local, state, and federal governments, used strikebreakers and spies, and smashed picket lines. A total of eighteen workers were killed.

These are only a few of the events that marked the battle between the companies and the workers. This is certainly not the whole picture. There were owners and managers who treated their workers well. Some owners did not object to the idea of a union. In some factories the workers did not see the need for a union because they were so well treated. But there was much violence and bitter feeling between many working people and the owners and managers of the brick and steel monsters that had invaded the towns and cities. In most cases the factory owners were not objecting simply to giving higher wages and better working conditions. They were objecting to the whole idea of masses of workers organizing into unions. To some businessmen, the very idea of collective bargaining was wrong. The workers, however, could see no other way out. As individuals they could not bargain over wages, hours, or working conditions with the manager. Each worker was a cog in a great machine, a cog that could easily be replaced. The workers felt that their only power lay in organization, in union. Once they were organized, the employers would then be forced to listen to them. Through all these years of strife between labor and management the battle was being fought over two issues:

1. The right to bargain collectively -- to make a contract between all workers and the owners: the right to strike if the company would not meet the terms of the workers.
2. The actual improvement in wages, hours and working conditions that the workers hoped would come out of this bargaining.

A BRIEF DESCRIPTION OF SOME MAJOR AMERICAN LABOR UNIONS, PAST AND PRESENT

1. Knights of Labor

Nine tailors met in the meeting hall of the American Hose Company, in Philadelphia, on December 8, 1869. They were trying to figure out what to do with the local Garment Cutters' Association, a small union which had run out of money. The leader of the nine tailors was Uriah S. Stephens. He was educated as a Baptist minister, but he was later forced to leave his studies in the depression of 1837. Stephens had a dream for a new labor union, the Knights of Labor. His idea was to get together "all branches of labor into a compact whole." He wanted to unite all working men.

The Knights was a secret organization. New members were invited to attend a meeting of the group without being told what it was. In all public notices or documents, five stars or asterisks were substituted for the name of the organization.

At first, the Knights was mainly a craft union of skilled workers: garment cutters, ship carpenters, shawl weavers, masons, machinists, blacksmiths, carpenters, tin and iron workers, stone cutters, and gold beaters. As time went on, unskilled workers were allowed to join: miners, railway workers, and steel workers. In 1879, Stephens retired as Grand Master Workman, and Terence V. Powderly was chosen as his successor.

After the Knights had carried out several successful strikes, it grew to a membership of 700,000 by 1886. Many people became frightened of its power. Some claimed that the Knights would name the next president, or even overthrow the whole government. Workers, enthusiastic over their new-found power, began singing:

Toiling millions now are waking --
See them marching on;
All the tyrants now are shaking,
Ere their power's gone

Storm the fort, ye Knights of Labor,
Battle for your cause;
Equal rights for every neighbor --
Down with tyrant laws!

Shortly after the heyday of the Knights, the tide began turning against the organization. The Knights lost a number of important strikes. By 1893, membership had fallen to 75,000, and the union was on its way out.

2. The American Federation of Labor

Samuel Gompers was born in England, the son of a London cigar maker. At ten he was apprenticed to the trade of cigar-making. His family came to America in 1863. Gompers was twenty-nine when he got into union activity by helping to reorganize the International Cigar Makers' Union. Gompers' ideas about unions were narrow. He had but one thought in mind: higher wages and shorter hours for the skilled workers of craft unions. In 1886, Gompers was one of a handful of men meeting to discuss the dying Federation of Organized Trades and Labor Unions. There were delegates from the Iron Molders, Miners and Mine Laborers, Typographers, Journeymen Tailors, Journeymen Bakers, Furniture Workers, Metal Workers, Granite Cutters, Carpenters, and Cigar Makers. The one concern of this meeting was to promote the interests of the craft which each delegate represented. After talking and thinking about their problem, they formed a new labor union, the American Federation of Labor. Gompers was convinced that the way to increase the wages and to reduce the hours of workingmen was to strengthen craft unions and to bargain directly with employers. The American Federation of Labor was to stay strictly out of politics. By 1893, the American Federation of Labor had proved that a union organized on a craft basis might well be more powerful and last longer than organizations such as the Knights of Labor which took in anyone who wanted to join.

Gompers died in 1924, and William Green took his place. Green, too, stood for keeping labor out of politics. Under Green's leadership, the American Federation of Labor grew to a membership of about 2.5 million by 1929, at the beginning of the Great Depression.

3. The Congress of Industrial Organization

One of the main reasons the Knights of Labor died was its effort to organize all kinds of workers, both skilled and unskilled workers. The American Federation of Labor consisted only of skilled craft unions and was very successful. Unskilled or semi-skilled workers who worked in large industries had little bargaining power against employers, because many immigrants were looking for unskilled jobs. There were too many workers and not enough jobs. This is one reason why the American Federation of Labor wanted nothing to do with them. But things had changed by the 1930's. The government had cut down the number of immigrants who could enter the country. The number of workers in large industrial unions had begun to increase tremendously. A new labor leader rose to accept the challenge for organizing these large industries. He was John L. Lewis.

Lewis had spectacular success putting new life into the United Mine Workers in the early 1930's. Its membership grew from 150,000 to 400,000. When the National Recovery Act gave labor the right to organize without constant war with owners and managers, Lewis jumped at the opportunity. Lewis at first worked within the American Federation of Labor. He organized unions under his Committee for Industrial Organization. The unions included whole industries: textiles, steel, automobiles, rubber. A bitter quarrel developed, however, within the American Federation of Labor between Lewis and the older leaders. The quarrel came to a head during the annual convention at Atlantic City in 1935. In the heat of controversy, Dan Tobin of the Teamsters Union called the unskilled workers in the mass-production industries "rubbish." Green cautiously followed the craft union policies of Gompers. When the final vote was taken at Atlantic City, the program for industrial unionism went down to defeat by a vote of 18,024 to 10,933.

Throughout the next few months, conflict and controversy raged between the new Congress of Industrial Organizations and its parent, the American Federation of Labor. In the late summer of 1936, the American Federation of Labor leaders suspended the unions in the Congress of Industrial Organizations. In March 1937, American Federation of Labor leaders made the final move by ordering all Congress of Industrial Organization unions expelled from state and city federations of the American Federation of Labor. At the close of 1937, the American Federation of Labor had 3,400,000 members, as against the CIO's 3,700,000. This split between these two major unions lasted until 1956, when they made peace with each other and again reunited as the AFL-CIO.

4. The American Federation of Labor and Congress of Industrial Organizations

The AFL-CIO is the new union formed from the two major labor unions we have already talked about. Their president is George Meany, who was formerly president of the AFL. The vice-president is Walter Reuther, formerly president of the CIO.

5. United Mine Workers

In a radio speech on October 25, 1940, John L. Lewis, the powerful president of the CIO, stated:

> It is obvious that President Roosevelt will not be re-elected for a third term unless he has the overwhelming support of the men and women of labor. If he is, therefore, reelected, it will mean that the members of the Congress of Industrial Organizations have rejected my advice and recommendation. I will accept the result as being the equivalent of a vote of no confidence, and will retire as president of the Congress of Industrial Organizations in November.

Franklin Roosevelt won the election of 1940, and became the first President in America's history to win a third term in the White House. Lewis kept his promise and resigned. He remained as head of the United Mine workers, and its members continued to follow wherever he led. He led his union back into the AFL for a short time and then broke with Green to become an independent union again.

6. Railway Brotherhoods

An important group of unions which did not affiliate with the AFL was the railway brotherhoods. This group includes four unions:

The Locomotive Engineers
The Railway Conductors
The Trainmen
The Firemen

A number of other types of railway workers were organized by the AFL: switchmen, yardmasters, signalmen, telegraphers, and clerks. The four major railway unions continued to be independent.

7. The Teamsters Union

In 1956, a Congressional Committee under the leadership of John McClellan began investigating the activities of the Teamsters Union. The President of the Teamsters, Dave Beck, was brought under fire and was found to have been connected with a number of shady and dishonest deals. He has since been sentenced to a term in jail for income tax evasion. The new leader of the union, Jimmy Hoffa, has been questioned by the Committee and has also been found to have been associated with a number of known criminals. The AFL-CIO, with which the Teamsters were affiliated, told the teamsters to clean up their union. When Hoffa appeared to do little to put his house in order, the Teamsters were expelled from the AFL-CIO, and they are now an independent but powerful labor union.

8. Other Unions

The AFL-CIO has had an increasing number of difficulties with dishonest labor leaders within its unions. In its effort to clean out these leaders it has expelled a number of unions, including the Teamsters, the Electrical Workers, and the Longshoremen.

THE HOMESTEAD STRIKE

In the early morning of July 6, 1892, two barges were being towed slowly up the Monongahela River toward Homestead, Pennsylvania. There had been trouble at the local plant of the Carnegie Steel Company. The skilled workers at Homestead, members of the Amalgamated Association of Iron, Steel and Tin Workers, had gone on strike refusing to accept new wage cuts, and they were supported in their strike by the rest of the workers. The company's general manager, tough minded, stubbornly anti-labor Henry Clay Frick, at once shut down the entire plant and refused any further talks with the union. Frick showed by his action that he meant war to the bitter end. He built a wire fence three miles long and fifteen feet high around the works and swore in a group of special deputy sheriffs to guard company property. Yet, knowing that Frick meant to bring in strikebreakers next, the locked-out workers ran the guards out of town. This was a challenge that Frick was only too glad to accept. Here was his chance to crush the Amalgamated Union once and for all. Aboard the two barges being towed up the Monongahela River came three hundred Pinkerton detectives whom Frick had hired armed with Winchester rifles. The locked-out men watched their arrival.

As the steel company's private army drew alongside the Homestead mills and prepared to land, there was a sudden exchange of shots between the barges and the shore. The workers had dug themselves in behind a barricade of steel girders, and as the Pinkertons tried to take possession of the plant, they were beaten back in a battle that raged along the river front. All that day, from four in the morning until five in the afternoon, the bursts of shots continued. The strikers set up a small brass cannon behind a barricade of railroad ties and opened direct fire on the barges. Failing to sink them, they poured barrels of oil into the river and set the oil on fire. With three men already dead and many more wounded, the Pinkertons were trapped. Deserted by the tug which had towed them upstream, helplessly crowded into the barge which lay farthest from the shore, they finally ran up a white flag and agreed to surrender, in return for a guarantee of safe conduct out of the community.

But feelings were running too high at Homestead, where the casualties had included seven killed, for any easy return to law and order. When the Pinkertons came ashore, they were again attacked and had to run through an infuriated mob of men and women armed with stones and clubs before they could get on the way back to Pittsburgh. An uneasy calm then settled over the little town as the Homestead workers, victorious in this first round, awaited the next move by the company.

Enraged, Frick called upon the Governor of the State of Pennsylvania for the state militia. Within a few days the little mill town of 12,000 was an armed camp overrun by 8,000 soldiers. With this protection the Carnegie Company began bringing in "scabs" -- the "blacksheep" whom the locked-out workers knew were being hired to take their jobs -- and proceeded to file charges of rioting and murder against the strike leaders for the attack on the Pinkertons. The plant was then reopened with the state militia protection and non-union men given the jobs of the Amalgamated Union members. The soldiers stayed till the end of November, when the strike officially ended in the absolute defeat of the workers. Winter was coming on; the men's families were cold and hungry, and the union's treasury was empty so it couldn't help them. The desperate men were forced to leave town and find work elsewhere or return to work as non-unionists. When the strike was finally called off in November, two thousand strikebreakers had been brought in and only some eight hundred of the original Homestead working force of nearly four thousand were hired back.

Some Background -- and the Result

Until the Homestead strike, relations between the Carnegie Company and the union had been friendly and working conditions had been governed by a three-year contract for the skilled workers. Andrew Carnegie, the owner of the company, had claimed to be completely in favor of unions, having written at one time that "To expect that one dependent upon his daily wage for the necessities of life will stand by peacefully and see a new man employed in his place is to expect too much." But when the union contract at Homestead ran out in 1892, Carnegie himself was in England and the matter of dealing with the union was all in the hands of Henry Clay Frick, his general manager.

Frick was in control and his purpose in bringing in strikebreakers and Pinkerton guards was clearly to smash the union. And he succeeded. After the strike the Amalgamated Iron, Steel, and Tin Workers was continuously opposed by the Carnegie Company and later by the United States Steel Corporation, and it steadily lost ground.

Samuel Gompers and the American Federation of Labor

The Amalgamated Iron, Steel and Tin Workers was a part of the American Federation of Labor. Samuel Gompers, the head of the AFL, expressed sympathy for the strikers and helped raise funds for the defense of those charged with the attack on the Pinkertons. But the Federation did not give any great assistance except for Gompers' flowery phrases. He was quoted as saying,

> "You Homestead steel workers, if there is a rose bush blooming, it is your work; if there is anything under the sun which shines upon you, which makes Homestead, Pennsylvania valuable, it is your work. You refused to bow down to this dictator, and the first answer he gave you was to send that band of hired soldiers into this peaceful community to force you to bow down to him and to drive you from your peaceful homes. I know not who fired the first shot on that memorable morning of the 6th of July, but I do know that the hearts of the American people beat in unison and sympathy with the brave men of Homestead. I am a man of peace and I love peace, but I am like the great man, Patrick Henry. I stand as an American citizen and say 'Give me liberty or give me death!'"

Newspapers

Generally the newspapers took the stand that if the Homestead employees did not want to work for the wages offered them they had no right to try to prevent others from accepting such terms. One newspaper stated, "Men talk like lunatics when they insist that the workers at Homestead have done right." Another newspaper said, "The right of every man to work for whom he pleases must and will be maintained."

BIBLIOGRAPHY

Based on:

Dulles, Foster Rhea, Labor in America, New York: Thomas Y. Crowell Co., 1949.

THE PULLMAN STRIKE

On the night of July 6, 1894 a mob of rioting railroad workers with torches in their hands poured into the Chicago railroad yards, which were two miles long and a half-mile wide and crowded with freight cars. Soon from all parts of the yard flames shot up and billows of fire rolled over the cars, covering them with the red glow of destruction. In that blaze at least 700 freight cars were destroyed.

The next day, another mob of several thousand people gathered on Loomis Street where United States troops were trying to protect a train which was being moved by non-union men. After warning the crowd to break up, the commander ordered his troops to load their rifles. This angered the rioters, and they replied by hurling stones at the soldiers and train crew. Immediately, the commander ordered a bayonet charge in which several strikers were badly hurt. When the strikers continued to block the passage of the train, the commander felt he had no choice but to open fire. His men continued shooting until the crowd had fled, leaving four dead and some twenty wounded, among whom were a few women.

The events which led up to this act of violence and bloodshed, and finally to a clash between strikers and the United States Army, began in May of 1894. In that month, a committee of men who worked for the Pullman Company went to their employers to complain about the bad situation in which they found themselves. These men lived with their families in houses which had been built by the Pullman Company itself and were rented to the workers. During the past year, because of a nationwide depression, the Company had had to cut the wages of its employees by 25 to 40 per cent. However, they had not lowered the rents on Company houses at the same time. This meant that the workers were expected to pay the same prices for lodging, food, and clothing (which the Company also provided) with about half their usual salary. As a result, they were forced to go cold and hungry. Even when the worst of the depression was over, the Pullman Company did not raise wages back to their former level, so the workers had to continue living in misery and want.

In this desperate state, the workers saw no choice but to ask the Company to help them. For this reason, they chose a committee to talk to the management describing their grievances and asking for higher wages. The management, however, would have nothing to do with them and refused any help at all. The Company had to run its affairs so that it would get business and make money. It was up to the workers to look out for themselves.

Most of the Pullman workers were members of the new American Railway Union, whose president was Eugene V. Debs. When the grievance committee got no results in their appeal to the Company, the local union called a strike. Then the national union tried to get the Pullman Company to agree to settle the matter by arbitration. They wanted to call in someone from the outside who had no connection with the workers or the management, who would hear the arguments of both sides and then offer a settlement to which both sides would agree. When this attempt at peaceful settlement broke down, the American Railway Union ordered its members to boycott the Company by refusing to handle any Pullman cars.

When this boycott began, it involved not only the Pullman Company but railroads using its cars. The challenge of the Union was taken up by the General Managers' Association, a group made up of executives of twenty-four railways entering Chicago. It ordered that any worker "cutting out" a Pullman car from any train was to be fired. But the membership of the American Railway Union was not so easily frightened. Every time a man was fired for refusing to handle a Pullman car, the whole train crew would quit in sympathy. Thus, what had begun as a disagreement between one railway company and its employees grew into a battle between railroads in general (represented by the General Managers' Association) and the railroad workers (represented by the American Railway Union). By the end of July, the strike had become so general that nearly every railroad in the Middle West was affected, and the nation's whole transportation system was in danger.

At this point, the federal government took action at the request of the General Manager's Association. The Association reported that the strike was interfering with the mails and with interstate commerce. Both of these are the responsibility of the federal government and not of the individual state (in this case, Illinois). For this reason, the Association asked President Cleveland to send federal troops to guard the trains and keep them running. Cleveland felt that no matter what complaints the railroad workers might have, their strike was a danger to the public -- to the nation as a whole -- because it held up the mails and hurt trade all over the country. For this reason he replied immediately to the request with the statement:

> "If it takes every dollar in the Treasury and every soldier in the United States to deliver a postal card in Chicago, that postal card should be delivered."

And he sent the troops.

The strikers were very angry at this development. They felt that this was a battle between the railroad companies and themselves, and they didn't want the government to step in on the side of management. It was when the soldiers began to step in to move trains that violence broke out. Before that, things had been fairly quiet and orderly. But now the workers were getting desperate. The union leaders, who had from the first urged the strikers to make their case simply by refusing to work and not by fighting and destroying railroad property, could no longer control the disappointed men. Tempers flared and burning and rioting broke out.

To make matters worse for the strikers, the government now took legal as well as military action against them. At the suggestion of the General Managers' Association, Attorney General Olney obtained an injunction forbidding any person from interfering with the operation of the mails or of other railroad transportation in interstate commerce or trying to persuade employees of the railroads to refuse to do their usual jobs. This meant that any striker, or any union leader who was encouraging the strike, could be arrested and tried for breaking the law.

At this point, Debs realized that it was useless to continue the strike because now they had the government as well as management against them. He offered to call off the strike if the Pullman Company would agree to give the workers their jobs back without punishing them. However, the Company was no longer worried. The problem had been handed over to the government and the courts, so it refused Debs' offer.

Judge Grosscup, of the federal district court, now called a special jury to hear charges that the strike leaders were guilty of conspiracy in blocking the mails, and, under orders from the court, Debs and three of his assistants were arrested and finally put in jail. Other injunctions were applied to individual strikers, and nearly 200 were arrested.

Now that they no longer had their leaders to direct them, and now that there was no hope of winning their demands, the railroad workers gave up what had become a useless struggle and gradually drifted back to work. The troops were withdrawn on July 20. The Pullman strike had been completely crushed.

BIBLIOGRAPHY

Based on:

Dulles, Foster Rhea, Labor in America, New York: Thomas Y. Crowell Co., 1949.

THE WAGNER ACT

In the Spring of 1935, a bill was brought before the United States Senate. The purposes of this bill were to protect labor from the "unfair practices" of management and to prevent managers from refusing to bargain with an employee's union.

This bill was called the Wagner Act, because it was written by Senator Robert F. Wagner of New York. Here are some of the things it did.

1. If a group of workers wanted to organize and run a union, their employer could not interfere with them in any way. He could not try to keep them from organizing.

2. An employer could not treat union members any differently from workers who were not union members. He could not fire them, refuse to promote them or give them lower pay just because they belonged to a union. This was to keep workers from being afraid to join unions.

3. If a union elected representatives to talk to an employer about what the workers wanted, the employer would have to talk to them. In other words, under the Wagner Act collective bargaining is required if the workers ask for it.

4. The Wagner Act set up a National Labor Relations Board which was a committee established to run elections of union representatives and to hear complaints by workers that their employers were breaking the law.

ARGUMENTS FOR THE WAGNER ACT

For almost 100 years employers have been fighting workers' efforts to organize. Employers used the lock-out and the blacklist. They used the yellow-dog contract until it was made illegal by the Norris-La Guardia Act of 1932. A special committee made a study of anti-labor techniques and reported them to Congress in the 1930's. This committee found that 2,500 companies had been hiring spies to find out what the labor unions were doing. In only three years the Pinkerton Detective Agency and others had provided 3,871 agents to report on union activities, stir up restlessness among union members and generally block labor organization. In carrying out their secret activities, individual detectives had joined 93 unions, and a third of the Pinkertons had actually succeeded in becoming union officials. During those same three years, a few companies had spent a total of nine and a half million dollars for spies, strikebreakers and guns. When one steel company was fighting a union, it had on hand 8 machine guns, 369 rifles, 190 shotguns, and 450 revolvers, with 10,000 rounds of ammunition, and also 109 gas guns with over 3,000 rounds of gas ammunition.

The workers of America are getting desperate. The head of the American Federation of Labor recently said that if the government didn't pass a law protecting unions and giving them right of collective bargaining, he was afraid there might be a revolution and bloodshed.

And the situation appeared to be getting more and more serious. During the last twenty years there had been 5,000 strikes, a million workers have lost their jobs because they joined unions or went out on strike; 73 million working days have been lost through strikes; and all these strikes have cost the United States more than one billion dollars. The only hope for peace between management and labor is a law which will allow unions to bargain for decent wages and working conditions.

ARGUMENTS AGAINST THE WAGNER ACT

An employer has the right to run his business the way he wants to. Why should he have to pay his workers what they ask? If they don't like their wages and working conditions, they can always quit and get a job someplace else.

Owners and managers are the only ones who really know what wages they can pay and still make enough money to stay in business.

Owners and managers have worked hard to build bigger and better factories to find cheaper ways of producing things, and now the government is going to help unions take away the managers' right to run their own factories.

During the last fifteen years labor leaders have been talking about violence and bloodshed, about taking over the government by force. We know that many of these labor leaders are dangerous radicals, and if a law is passed which forces employers to deal with these union leaders, who can tell where it will end?

BROWN AND SHARPE MANUFACTURING COMPANY

Company Background

In 1833, a metal craftsman named J. R. Brown established the Brown and Sharpe Manufacturing Company to manufacture clocks and other precision instruments. Over the years the company widened its product line; and in 1955 the company manufactured screw machines, grinders, milling machines, cutters, special machines, tools, and various other machine-shop products. The company enjoyed the highest reputation for quality. In the years following the establishment of the company, the Sharpe family kept personal control of the management of the company. When Henry Sharpe, Jr. became president of the company in 1951, he followed his father and grandfather, both of whom had been presidents in the past.

Labor Relations

Being a machine tool company that employed skilled workmen, Brown and Sharpe was subject to the earliest organizing efforts of the International Association of Machinists. By 1941, the Machinists had gained enough strength to ask the National Labor Relations Board for a representation election. In December 1941 the NLRB held a representation election for machinists, with the following results:

	Machinists
Voting	5,800
For union	4,600
Against union	1,200

The National Labor Relations Board certified the Machinists Union as the official bargaining agent for the workers. The new union immediately began to bargain over a contract with the company.

The first contract between the company and the union was not signed until 1943. While arguments between the company and the union were going on, a number of minor strikes occurred. The strikes were over such issues as changing things around in the grinding department, working conditions in the foundry, firing of a union official by the company, and assignment of women to jobs that the union considered to be "men's work."

The most interesting negotiation with the Machinists took place in 1949. As usual, the union demanded a union shop. From the transcript of the 1949 negotiations:

Union: "The first change we want is the union shop provisions. We notice that the company speaks of eliminating the check-off."

Company: "In starting contract talks, we hereby announce that we wish to drop the collection of union dues. In previous agreements we have included this provision only after agreement had been reached on all other provisions under discussion. In respect to compulsory union membership (union shop), our position has never changed. We still feel that an employee should be free to join or not to join a union. We have never done anything to discourage the workers from joining the union, and don't intend to. It may well be that if agreement can be reached on all other items, we may be willing to consider the continuation of the dues collection provision."

Talks over the 1949 and 1950 contracts were stormy. The union was not able to get the union shop. The company made some important changes in favor of the union, including an agreement to pay for part of the cost of Blue Cross, seven paid holidays instead of five, and an hourly wage increase of four cents.

The 1951 Strike

With the 1950 contract due to expire on July 14, 1951, bargaining began late in May. The machine tool business was booming because of the Korean War. Brown and Sharpe was operating at full capacity with almost 10,000 employees. The union demands included:

1. a 20% wage increase
2. a union shop (the requirement that employees had to join the union)
3. more vacation time

The company made its first offer late in June. The offer included:

1. a 4¢ wage increase for hourly paid workers
2. notification of the union before shift changes
3. the addition of Armistice Day as an eighth paid holiday

The union turned down the company's offer and asked the Federal Mediation Service to enter the dispute.

On July 12, the union put two matters to a vote of all union members, as required by the Taft-Hartley Labor Law: (1) the union leaders were given the right to bargain for a union shop; (2) the union members agreed that their leaders could call a strike if the company's offer on the union shop was not good enough. The union now felt in a strong position to bargain to the bitter end. The old contract ended on July 14, but both union and company agreed to continue bargaining until a new contract was agreed upon.

The bargaining continued until lunchtime on July 19. After lunch the union announced it was calling a half-day shutdown to hold a membership meeting. At the meeting the union leaders presented the latest company offer, and it was overwhelmingly rejected.

The company and union continued bargaining from July 20 to July 27. Neither side would give in. Under the urging of the Federal Mediation Service, union and company leaders met again on August 1 at which time the company agreed to increased Blue Cross benefits and other minor benefits. The union suddenly became fed up with negotiations and called a strike for 1:30 the same day, August 1.

On August 2, the watchmen who attempted to report for work were denied passes through the picket lines. With the walkout of the Machinists all operations of the company stopped. Other AFL unions refused to cross the Machinist's picket lines.

On August 18 at the urging of the Federal Mediation and Conciliation Service (FMCS), company and union leaders were brought together for the first time since the start of the strike. The meeting was held in the Sheraton-Biltmore in Providence. The result was a report of "no progress." Three days later a second session was held with a similar report, "failure again."

On August 30, government officials called company and union officials to Washington and told them that the strike was interfering with and slowing down America's defense efforts. The United States was then fighting the Korean War. Company and union were told that every effort must be made to get the factory back in operation or our defenses would be critically weakened. After two days of bargaining in Washington, the talks again broke down. Neither side would give an inch. After failure to reach agreement in Washington, union and company leaders returned to Providence for additional talks. But talks still got nowhere.

On September 26, the deadlocked meetings returned to Washington. The talks, still under the direction of the Federal Mediation and Conciliation Service, were held in a long, plush corridor known as the hall of the presidents. The union men gathered in the Madison Room, and the company men in the Monroe Room. The two rooms were connected by sliding doors but these were never opened. FMCS officials took up rooms on the third floor and from time to time called union or company officials up to talk with them. The second round of talks in Washington failed as had the first.

On October 11, a top level meeting was held in Washington between the company's director of labor relations, the union's international president, and various FMCS officials. From this meeting came a proposal which was submitted to union members for ratification. It included:

1. immediate wage increase of 5¢ with 3¢ more after six months
2. vacations the same as under old contracts
3. five-day advance notice of shift changes
4. an eighth paid holiday

The union called a meeting of all members on October 19. The vice president of the International Union (not a local official) spoke at the meeting. He did not say anything about the new proposal but urged the members to return to work. The president of the local union spoke against the new proposal. He was strongly against the idea of not giving a full wage increase for six months. A vote was taken and the union members rejected the company offer by a majority of six to one.

With the failure of this latest effort at settlement, pressure from government increased. The Governor of Rhode Island stated that he intended to meet with company and union officials. Within a week the union and company leaders were again in Washington. An agreement was finally reached in Washington. It was submitted to the union members for approval. It differed from earlier proposals only in regard to wages: all wage increases were to be effective at once. The union members overwhelmingly approved the agreement.

The Cost of the Strike

The strike cost a great deal both for the company and for the workers. In spite of full war production up to and after the strike, the company lost money in 1951. What the company was like during the strike is illustrated by a company bulletin sent to salesmen during the strike:

> "You must appreciate that all departments of the factory are completely closed. There are no stenographers, clerks, etc., reporting for work. There are probably not more than twenty people in all our offices. It is impossible for us to answer correspondence (letters). It is essential that all members of the sales organization cooperate by not phoning, wiring or writing us regarding quotations, shipments, and so forth. In military parlance (talk), your activities should be confined to defensive efforts in protection of our outposts."

The only equipment moved during the strike were two grinding machines which were taken from Brown and Sharpe to General Electric by the U. S. Air Force. The machines had been finished before the strike began and needed only inspection and shipping.

It was estimated that as a result of the work stoppage, the employees lost $6,500,000 in wages -- an amount that would take employees over three years to make up through increased benefits. Typical of the situation facing workers during the strike was that in which the machinist who made this comment found himself:

> "Many (of us) are finding it difficult to make both ends meet on $9.80 a week received from the union, even now when added to it is unemployment compensation. The simple pressure of grocer's bills, cold homes, and all the expenses of a growing family has convinced many of us of the desirability of settling the strike on the most advantageous terms possible."

After the Strike

The period after the 1951 strike saw a change in the way the union and company got along with each other. In the spring of 1952, both company and union worked together to get permission from the government to increase company prices on equipment. (Prices had been frozen because of the Korean War). While the union and company were making appeals to Washington, some of the top union and company leaders became better acquainted. For the first time in the company's history, the president, Henry Sharpe, Jr., met with union leaders for a discussion of their common problems.

The change in attitude was best illustrated by the 1955 contract bargaining. With the old contract scheduled to expire on November 12, 1955, talks for the new contract opened on September 23. After four weeks of bargaining the new agreement was signed on October 31. It included the following changes:

1. union shop
2. three-day funeral leave
3. 6-10¢ increase for hourly workers

In a letter to all employees, Henry Sharpe, Jr. summed up the way the company was getting along with the workers:

> It is .... encouraging to realize that .... most Browne and Sharpe people appear to share the feeling that we have been successful in making this company a good place to work.
>
> Notable .... is the fact that 1955 was one of the first times in our history since Browne and Sharpe was organized by unions, that you as people of Browne and Sharpe have seen fit not to resort to strike authorization votes. More than that, in every case agreements were reached with the unions concerned before the final contract termination dates. Both these things are real milestones of confidence which you have placed in our organization.

The union's attitude to the new developments was indicated in its weekly newspaper, The Machinist:

> Because of good relations between the company and the union, two IAM (union) lodges want to help Brown and Sharpe sell its famous products. This is the only complete line of machinists' tools made by IAM members. Consequently, Lodges 1088 and 1142 are mailing to the recording secretary of each IAM Lodge across the nation a catalog showing a complete line of these tools. Accompanying the catalogs will be lists of dealers and distributors by state, city and town.

Thus, in a brief span of four years -- from the crippling strike in 1951 to the successful contract talks of 1955 -- the company and the Machinists looked at each other in a very different way. The strike had been costly to both sides. However, both the company and the union were convinced that recent changes had been to the benefit of both sides.

BIBLIOGRAPHY

Adapted from Case No. 487 used in Harvard Graduate School of Business Administration, Copyright, 1957, President and Fellows of Harvard College.

KOHLER OF KOHLER

The Kohler Company was founded in 1873 by John M. Kohler, an Austrian immigrant. It grew to be one of the five largest producers of plumbing equipment in the country. It was a family owned company. The management answered to no outside board members or stockholders. It developed its own policy toward its workers. This policy demanded strict discipline and hard work. Kohler workers enjoyed a high standard of living. The Kohler Company even built Kohler Village, a community of model homes which were sold to Kohler employees.

Some claimed that all was not peace and contentment within the Kohler factory, however. It was said that Kohler rule was iron-fisted; "speed-up" was the order of the day; there were no summer vacations for shop workers; and too many men in the sand blasting department contracted silicosis. But there were surprisingly few complaints from the workers. Six dollars a day was good pay, and the men who worked the hardest came from foreign countries where harsh treatment was taken for granted. To these men, the company seemed generous. Every man among them who was married received a goose for Christmas. Every single man received a wallet or a pocket knife.

Then the Great Depression struck. The Kohler Company, like other building supply firms, was among the first to suffer. By the beginning of 1932, there were 225 Kohler workers and their families on relief in Sheboygan County, Wisconsin. By the summer of 1933, hundreds more were laid off indefinitely, while hundreds of others were given but one or two days' work a week.

It was during these early years of the Depression that the first rumbli of worker discontent were heard in Kohler Village. When the N.R.A. supporte labor's right to organize, Kohler workers tried to get an A.F.L. charter in September 1933. The workers wanted union recognition, 65¢ an hour for semi-skilled work, which had formerly been grouped with common labor at the 40¢ rate. A month later, Mr. Kohler offered to let the men have a union, but it would be a company union. It was to be known as the Kohler Workers' Association (the K.W.A.). The A.F.L. asked for an election, but the company delaye Finally, on July 16, 1934, the A.F.L. group, convinced that the company was simply stalling, called a strike.

The strike lasted eleven weeks. The 150 employees who stayed in the factory were so closely picketed that food had to be sent to them by mail. The company had 200 men hired as "special village deputies," whom it armed with shotguns. Machine guns were placed on the factory roof. On the twelfth day of the strike the deputies opened fire on a crowd of several thousand strikers and their families. Two men died from gunshot wounds, and newspaper accounts said that over fifty were injured by gunfire. The special deputies were disarmed and the strikers permitted to reform their picket lines.

In November 1934, the N.L.R.B. election was finally held, and the A.F.L. lost to the K.W.A. Union supporters claimed that the company had rigged the election. They pointed out that two weeks before the vote was taken, 250 men in the pottery department who were known as A.F.L. sympathizers had been laid off indefinitely. Among the workers allowed to vote, they said, were the office workers, chambermaids, Mr. Kohler's private gardeners, Mr. Kohler's aviator, and the stableboys from the Kohler estate. The A.F.L. tried unionization again in 1946. Again it failed. In March, 1951, the C.I.O.'s United Auto Workers tried to organize the plant. The U.A.W. also lost.

The union organizers still carried on, however, They claimed a change was coming. In November, the K.W.A. made demands upon the company which Kohler refused to meet. In April 1952, the K.W.A. members, who represented 90% of the 3,937 Kohler employees, voted 2,248 to 1,129 to join the U.A.W.

Company-Union Negotiations in 1954

The U.A.W. bided its time in order to build its strength. In February, 1954, when the Kohler contract come up for renegotiation, the union felt strong enough to make new demands which, it said, were based on the wages and benefits given by Kohler's competitors -- Briggs Manufacturing, American Standard, and the John Douglas Company. Kohler agreed that its contract differed from others, but claimed that its employees "came out much better."

When bargaining broke down and the company-union contract ran out, the U.A.W. called a strike that began on April 5th, 1954. Eight weeks after it began, the company resumed production. In July 1955, after fifteen months of the strike, the company claimed that it had 3,000 workers on its payroll. The union said that 2,800 workers were still on strike. At the time, the cost of the strike to the union was estimated at $4,000,000.

After production was resumed, the UAW began to support all the strikers and their families. This support continued for two years, and then the union ended its support plan and began finding other jobs for the strikers. After three years, the union still carried about 300 strikers on its support rolls, enough to maintain the picket line and perform other work connected with the strike. During the first nine months of the strike, the parties met from time to time without success. During this period the union had formally agreed to accept a 10¢ raise; (this was not, of course, what the union had originally asked for.) The company refused the offer and stated as its terms that "local 833, UAW-CIO accept the original [company] contract offer, no rehiring of strikers discharged by the company some months ago, no layoffs of any present workers to make room for strikers, and the preservation of law and order in Sheboygan County."

On July 12, 1954, the union filed charges before the NLRB charging the company with a variety of unfair labor practices. The NLRB hearings were opened in February 8, 1955 to examine the charges that the Kohler Co. had "failed to bargain in good faith," had discouraged union activity, and had discharged 52 workers for union activity. The basis of the complaint lay in the union's charge that the company had promised workers whom it had hired to replace strikers that their jobs would be permanent. To this the company retorted with the statement that "The union's real purpose is to compel a change in the management of the company."

In the fifteen months since the strike began, clergymen, judges, the governor of the state, state and federal officials had tried to reach a settlement. As the strike dragged on, the point of dispute changed. At first, it centered on wages. Later, it centered on the rehiring of all the strikers. Since the strike had failed to close the plant, the main question was whether the U.A.W. local 833 of the auto union could survive at Kohler.

The Clayboat Riot

On Saturday, July 2, 1955, the Norwegian freightor M.S. Fossum arrived at Sheboygan, Wisconsin with a cargo of 1700 tons of clay from Fowley, England. The clay was headed for Kohler, Wisconsin, a few miles inland, where the Kohler Company would process the clay into china plumbing fixtures. When Captain Svenson pulled his ship into his berth, it was met by a thousand striking employees of the Kohler Company. The workers marched to the pier to prevent the unloading of the ship. A riot followed when the strikers blocked the movement of the crane and trucks to the dock. Unloading equipment was severely damaged. A crowd of some four thousand people gathered on the scene. Finally, Sheboygan police blocked off the street next to the dock and got the riot under control. On the evening of July 7, the Fossum quietly left Sheboygan. The Fossum shifted to Milwaukee where the dock unions refused to unload the ship. After considerable bickering, the Fossum and a sister ship, the Divina, which was headed for Sheboygan with another shipment of clay, back tracked to Montreal where the clay was finally unloaded. The shipment was sent by rail to the Kohler plant. The first railroad cars were taken into the plant by railroad officials because the regular train crews were reluctant to cross the picket lines.

Attempts At Settlement

Meanwhile, at the end of July 1955, Joseph Finnegan, Director of the Federal Mediation and Conciliation Service, at the request of President Eisenhower, asked the company and union representatives to meet with his group. After five days of meetings, the bargaining ended abruptly in failure. The company and the union would not agree on the key issue -- rehiring the 2,000 strikers.

The company's offer of August 2, 1955 was to take back men who had worked fifteen or more years at Kohler. This would include 540 men of the 2,060 on strike. On August 3, 1955, 2,000 Kohler strikers and their wives held a mass meeting in the Sheboygan armory. In a unanimous vote by hand-raising, the union members rejected the company's offer to end the strike. There were standing ovations for the union speakers and frequent cries of "Smash Kohler!"

On August 5, the Kohler Company announced that it would give pay raises of 10¢ an hour soon to the estimated 2,400 workers now employed in its plant. Throughout 1956 no progress was made toward ending the strike. In March of that year, federal mediators made another serious attempt to end the strike. The discussion lasted only three hours.. It was not until February 1957 that the management and the union met again, this time through the persuasion of a group of clergymen. The meeting was held in strict secrecy. No one made any comment when it was over. There appeared to be no results.

At this time, the company claimed to be operating at 85% of capacity, with 2,300 workers on the job. Press reports said that the company was continuing to sit tight, that Herbert Kohler was convinced that the strike was broken, and that the union would give up the fight. How much the strike had cost the company in lost income, strike costs, and future orders was kept secret.

The union showed no sign of giving up. On the contrary, it launched a nationwide drive to keep people from buying Kohler products. In every state and in most major cities, the U.A.W. set up boycott headquarters to persuade designers, builders, plumbers and others to refuse to handle Kohler products. In addition, it carried on a campaign among potential buyers to keep Kohler products out of their plant. The Union claimed that 2,000 of its members were still on strike, that about 200 had moved away from the area, and that only a few of the strikers had given up the fight.

How is the Strike Affecting Sheboygan?

At the bottom of all the figures, buried under the claims and counter-claims, demands and refusals, speeches, broadcasts and written reports, there are people. It is important to look at the effects of the long tension on the individuals involved and their families.

Frederick Kuehlmann is one of these men. He is 52 years old, has lived in Sheboygan all his life and worked for Kohler for 30 years. He is still working for Kohler, which makes him a scab, as the strikers say. He is not a big man, but wiry and well made. For the last 15 years he has been severely afflicted with arthritis. He works in the Kohler shipping department at a clerical job that requires little physical effort.

Kuehlmann did not join the U.A.W. when it unionized the plant. "I had nothing against it," he says. "I just never joined it. Quite a few guys never joined it." Primarily Kuehlmann wanted to stay out of trouble: "At my age, and with arthritis, do you think I could get a job anywhere if I got fired or went on strike?" Kuehlmann must support his wife, his youngest son, and a teen-aged daughter. He has two older sons, but they now support themselves.

As soon as Kuehlmann returned to work at Kohler, which he did in 1954 shortly after the mass picket line was removed, he began to have trouble. Some of his old friends stopped speaking to him. One morning as he drove to work he noticed what he thought was rainwater on the hood of his car, which he had left outdoors all night. It turned out to be sulphuric acid. "A little while after that," he says, "they slashed all my tires. I got some new tires, and they slashed them too. They did it four times."

For the first two years of the strike Kuehlmann's phone rang constantly at night. "I mean late at night, like about 2 o'clock. They must have called me at least 150 times. I'd pick up the phone and there'd be a voice 'You dirty, rotton, lousy, yellow scab.' They'd never say who they were."

"We used to live in an apartment above a store," Kuehlmann says. "But I saved my money, and I bought this old house. A real wreck. But my older boys and I worked on it for half a year, and we fixed it up good. We just had it finished, pine-paneling and a wall-to-wall carpet and everything my wife had always wanted. I was sitting in the living room, smoking a cigarette and admiring the place about 11 o'clock at night. My wife was in bed already.

I was sitting there, and then bang! Bang! Three quart jars full of red paint busted through the windows and splashed all over the place. I don't want to hurt anybody. I just want to make a living."

Kuehlmann's case is typical of many in Sheboygan. Today the violence and vandalism have largely disappeared, there having been no serious cases since late in 1956, but the memory and the expectancy of them are always present.

****

Leo Breirather is 42. He lives with his wife Beulah and their three children in a small house on the outskirts of Sheboygan. He built the house, which is of brick, with his own hands, having a great deal of energy and desire to get on in the world. Breirather's family has been employed there for 20 years prior to 1954. He sometimes makes a point of this in conversation because it amuses him that Kohler executives should say, as they sometimes do, that the trouble in Sheboygan is caused by outsiders.

Breirather is one of the strikers who is still supported by the union. He is chief steward of Local 833 and has an important job in the boycott. The supervisor of the entire operation is Donald Rand, an international representative of the U.A.W. whose office is in Detroit. Rand comes to Sheboygan only once a week, and in his absence Breirather is in charge.

Before the strike Breirather worked about 45 hours a week at Kohler and made about $80. Today he works fully 70 hours a week and can barely exist on the money the union pays him. He lives mainly on boiled dinners and tenacity, and it pains him to see his children deprived of the things he might have given them. After three years of strike de does not enjoy thinking about the future; sometimes he can see the trouble in Sheboygan stretching beyond the horizon. "Last Christmas," he says, "we had a little party here for the strikers and their kids. After it was over, some of the strikers got to talking about the mistakes we'd made in planning the party, and I heard one of them say, 'Next Christmas we'll do it differently.' And I thought to myself -- My God!"

Breirather is willing to talk in detail about the strike and to be quoted publicly. Other strikers are not. There is good reason for this. Whenever Breirather or any other striker makes a remark which receives public attention, researchers employed by the Kohler Company transcribe it and swear an affidavit concerning it. On the basis of hundreds of such affidavits -- enough, quite literally, to fill out four volumes -- the company has compiled a blacklist of 89 individuals who are never under any circumstances to be re-employed if and when the strike ends. Breirather is one of the 89 and has nothing more to lose.

"I'm on that list," says Breirather, "because I'm chief steward of the union. Kohler says he isn't trying to smash the union,but by some coincidenc the 89 names on that list include the president, the vice-president and all the other officers of the union, along with the committee heads and everybody else who's held an important union job."

REFERENCE

Adapted from the Northwestern University School of Business, Case, MR 117 Rl and from *Life*, pp. 146-147ff., May 20, 1957.

BETTER WAGES AND WORKING CONDITIONS THROUGH LEGISLATION

We have learned about some of the problems of the working man, especially in the early days of the Industrial Revolution. Often the place where he worked was unsafe, his wages were low, and his hours long. Often he had to compete with his own children for jobs. Many people recognized that workers or "labor" were bearing a great hardship and that something should be done to improve wages, working conditions, living conditions, and the education of working men's children. The problem was one of persuading owners and managers to give labor a better chance. One way of dealing with management was for workers to organize into powerful unions and force the management to bargain with the union, rather than with individual workers. In this way the workers could threaten to strike if the management would not bargain. The federal government recognized labor's problems and passed laws forcing management to recognize the rights of labor to organize and bargain collectively. The Wagner Act and the Taft-Hartley Act were government efforts to do just these things, to promote favorable bargaining conditions between labor unions and management.

A second way for workers to improve their wages and working conditions is by legislation which actually forces the employers (owners and managers) to pay higher wages and provide certain working conditions or which allows the government to improve the low income workers' standard of living by means of unemployment insurance, low-rent housing, and other measures. In this text we are going to review a number of laws passed by the government to force employers and government to provide a better standard of living for workers.

State Laws in the 1840's to Enforce the Ten-Hour Day

Many skilled workers had won the ten-hour day by the 1830's but unskilled factory workers generally still worked longer hours. The hardest struggle among factory workers for the ten-hour day took place in Massachusetts. In 1844 the Massachusetts legislature was swamped with petitions asking for the ten-hour day. One petition from Lowell was 130 feet long with 4,500 signatures. The General Court (State legislature) decided to make an official investigation. The investigation revealed that the average working day in the textile factories was eleven hours, twenty-four minutes to thirteen hours, thirty-one minutes, according to the season. In some cases, workers were given almost no time to eat proper meals during the working hours. After the investigation the General Court decided to do nothing about these long hours.

New Hampshire passed the first state ten-hour law in the nation's history in 1847. Pennsylvania passed a law the next year stating that no one should work more than a ten hour day or a sixty-hour week in cotton, woolen, silk, paper, bagging, and flax factories. During the 1850's Maine, Connecticut, Rhode Island, Ohio, California, and Georgia also passed some kind of ten-hour law. There was, however, a catch in these laws. The laws provided that the employer could ask the worker to sign a "special contract" saying that he was willing to work longer hours. This allowed the employer to get around the law by refusing to hire anyone who would not accept a longer working day.

During the early 1900's twenty-five states passed laws which limited hours of work for men as well as for women. These laws did not contain the "special contract" section and could be enforced. But a new issue was raised. The employers said that such laws interfered with property and contract rights guaranteed by the Constitution. One law in New York which gave the bakery workers a ten-hour day was disregarded by Lochner, a bakery owner. Lochner claimed that under the Fourteenth Amendment, contract and property rights could not be taken away by State or Federal laws. The New York government claimed that the law was necessary for the health of the bakery workers. In 1905, the case was taken to the Supreme Court of the United States. The Supreme Court agreed with Lochner, and the New York law was struck down (Lochner v. New York).

During this period, seven states passed minimum wage laws. Again the employers said that this was forcing them to give up property "without due process" and therefore went against the Fourteenth Amendment. One instance of such a minimum wage law was passed by Congress. This law set up a board or committee to decide minimum wages for women and children working in the District of Columbia. In 1923 a hospital got an injunction to prevent federal officials from enforcing the law. The board members who set up the minimum wages appealed the case to the Supreme Court. The Court decided that this law setting minimum wages could not be passed, because it took away property without due process (Adkins v. Children's Hospital).

Fair Labor Standards Act

One of the provisions of the National Recovery Act was the setting of maximum hours and minimum rates of pay by the President. When the NRA proved unworkable and was finally struck down by the Supreme Court in 1935, a new law was suggested to continue the maximum hour-minimum wage provisions of the NRA. This suggested law became known as the Fair Labor Standards Act and included:

1. A minimum wage of twenty-five cents an hour rising to forty cents an hour in seven years for industries engaged in interstate commerce.
2. A maximum work week of forty-four hours, to be reduced to forty hours in three years. If men worked more than forty-four hours in one week, they were to be paid time and a half for overtime. This applied only to industries engaged in interstate commerce.
3. Outlawing of child labor in sixteen industries whose products entered interstate commerce.

Congress failed to act on the Fair Labor Standards bill in the summer of 1937. In the fall of 1937 President Roosevelt called a special session of Congress and asked that the law be passed. Again there were delays. After a great many revisions, the law was finally passed in June, 1938.

One uncertain feature of the Act was that it could affect only those industries engaged in interstate commerce. A problem remained about exactly when a company was engaged in interstate commerce. A legal case arose over just this problem. In enforcing the Act, federal officials found that a lumber mill operator, Mr. Darby, violated the Act by not paying the minimum wages required. The Darby Lumber Company cut its timber and sawed it into lumber in the state of Georgia. Darby decided to fight the case to the Supreme Court if necessary. The Federal District Court in Georgia ruled in favor of Darby. The Court said that Darby's business could not be called interstate commerce. The Federal Government then appealed the case to the Supreme Court. The Supreme Court reversed the District Court's decision, and said that Darby would have to obey the law (Darby v. U.S.).

Social Security Act

One of the major problems of the working man is job security. Security means sureness of making a good living. During depressions, millions of working people cannot find a job. When the worker becomes old no one will hire him, yet he is not able to save enough money to retire. If the worker is unable to work because he has been injured in an accident or gets sick, he has no savings to live on. These problems are of deep concern to all working people, especially working people who have low incomes and cannot afford to buy private insurance to protect them during convalescence after accidents, sickness, or in old age.

Before Franklin Roosevelt was elected President, he stated that he wanted to give more security to the working man. After he was elected in 1932, Roosevelt placed a social security bill on the "must" legislation list in 1934. Final action was taken on the bill by Congress in August, 1935. The Social Security Act was overwhelmingly approved by Congress. The new Act had three major parts:

1. Workers who were laid off or unemployed would be given a certain amount of money to live on. Although this money was to be given to the workers, the money would be collected by the federal government through a payroll tax.

2. Old age pensions would be paid directly to workers over 65 by the federal government with money obtained both from workers and from employers.

3. Money would be given by the federal government to the states for the aged, blind, dependent children, crippled and disabled people, and the general public health.

The Act was supported by many people who thought that the poorer people in America needed greater help and security. It was attacked by others as socialistic or communistic. Government involvement in such a large insurance program is commonly called "welfare stateism." Some people are very much worried that America's traditional faith in individual responsibility and self-help will be weakened by too much government insurance.

As stated, the Social Security Act of 1935 made the employers of eight or more workers pay a tax to the federal government based on the employers' annual payrolls. Up to ninety percent of this tax was then given to the state government, providing the state unemployment insurance program satisfied officers of the federal government. Some people thought this was a kind of blackmail scheme. The federal government made the states enact unemployment laws that it thought satisfactory. If the federal government did not like the states' unemployment laws, it did not have to give back the ninety percent of the money collected under the payroll tax. In 1937, mainly because of this objection, the Steward Company, after paying the tax, filed a claim for refund and sued in the District Court. The District Court, the Court of Appeals, and finally the Supreme Court held that the law was constitutional. The Supreme Court, however, was sharply divided, and three justices wrote opinions telling why they thought the law was unconstitutional. They said it was a scheme to interfere with states' rights (Steward Machine Co. v. Davis).

Summary

Whether a worker belongs to a union or not, he now gets much direct support from government laws. If he works in a company engaged in interstate commerce, he is assured of minimum hourly wages and a work week of forty hours with time and a half for overtime. If he is covered by social security, he is assured of some money to live on when he is laid off his job; and he can get an old age pension from the government when he is sixty-five. Having the government give this kind of help and security to the working man is a long way from the early days when the government thought that each man should be the master of his own fate.

The problem that now faces us is just how far the government should go in providing security for the working man.

BIBLIOGRAPHY

Fainsod, Merle, Gordon, Lincoln, and Palamountain, Joseph, Jr. Government and the American Economy. New York: W. W. Norton & Co., 1959.

MAJOR TRENDS IN THE LABOR MOVEMENT SINCE 1930

The Great Depression and a New Kind of Government

We have talked about times of "boom" and "bust." The counrty seemed to go through periods when it was easy to get a job, money was plentiful, and the factories worked at full capacity. These were times that everyone liked. It was easy for the worker to get a job. It was easy for the businessman to make money by selling the products made in his factories. Then, often very quickly, the country would slump into a depression. Businessmen could not sell their products. Factories had to be shut down; production stopped or slowed down. Workers were laid off. They found it almost impossible to find work. The unemployed, as the jobless workers were called, would walk the streets all day in the hope of finding any kind of work. Families would go without food for days at a time. Depressions were called "hard times." Families would be thrown out of their homes because they could not pay the rent. Some lived in tar-paper shacks in vacant lots or in the city dump.

Between the end of the Civil War and 1929, the country experienced a number of such depressions and booms. Many people accepted them. It was just part of our system they thought. In 1929, there came a depression so disastrous that America could not seem to understand what was happening. Many of America's workers could not find jobs. Farms and factories went out of business. Food rotted because people did not have money to buy it. Machines grew rusty because people did not have money to buy what they could produce. We call this the Great Depression.

Many people felt that a way to counter the effects of the Depression was to strengthen labor unions. In March, 1932, President Hoover signed the Norris-La Guardia Act which improved the legal position of labor unions. The law said that "the public policy of the United States" was that a worker should have "full freedom" to join a union and empower it to represent him in bargaining with his employer. The Norris-La Guardia Act went beyond the Clayton Act in limiting the right of federal courts to issue injunctions against labor unions. It also declared that the "yellow dog contracts," whereby a worker promised his employer not to join a union, were not enforceable by law.

In 1932, three and a half years after the Great Depression began, a new President took office. This was Franklin D. Roosevelt. He thought that the Federal Government should take an active part in preventing the hardships that come from boom and bust, especially from depression. Because the situation was so bad both businessmen and labor leaders were willing to listen to his ideas. In an effort to help businessmen and the working people, a law was passed which gave something to everyone. This was called the National Industrial Recovery Act, or the N.R.A. One provision of this Act said that employers whose businesses were involved in interstate commerce had to let workers organize into unions if the workers wanted to. It further stated that the employers had to take part in collective bargaining with unions. One of the basic ideas for which labor had fought during a half century was now the law of the land.

There was great controversy over the N.R.A. One of the major points of controversy was the amount of power the Act gave to the President and to the executive branch of government. Could Congress constitutionally give so much power to one branch of government? In 1935, the Supreme Court held that the Act was unconstitutional. This meant that again labor was without the legal right to organize and to bargain collectively with management.

Soon after the N.R.A. was declared unconstitutional, a new law was passed. This law continued the rights given to labor under the N.R.A. It was called the Wagner Act, or, officially, the National Labor Relations Act. The Wagner Act did the following things:

1. It said that if a group of workers wanted to organize and run a union, their employer could not interfere with them in any way. He could not try to keep them from organizing by such tactics as blacklisting, firing for union activity, giving them poorer jobs, and keeping union organizers out of his plant. Such tactics were outlawed and called "unfair labor practices."

2. It said that if a union elected representatives to talk to an employer about what the workers wanted, the employer was required by law to sit down and talk with these representatives. In other words, collective bargaining was required by law, if the workers wanted it.

3. It provided that a committee or board be set up to see that employers did not carry out unfair labor practices, to see that union representatives or leaders were elected by fair elections, and to make sure that the employer bargained in good faith. This committee or board which was set up by the Act was called the National Labor Relations Board.

Under this new law, labor unions gained tremendous membership in a very short time.

In 1938, the Fair Labor Standards Act was passed. This law provided for minimum wage standards and prohibition of child labor.

By 1940 it seemed to many people that labor had won the battle with managers and owners. This struggle left bitter memories of hardship, violence, and even death. It was a struggle between rights of contract and property, on the one hand, and the rights of workers to a decent standard of living on the other. Few thought this battle could be ended without taking away some of the property and contract rights of the employer. The Wagner Act forced the employer to bargain with the union and thus strengthened the position of labor greatly. The Fair Labor Standards Act, the Social Security Act, and other legislation, further limited property and contract rights by setting minimum wages and providing better working conditions.

Labor Development in the 1940's

It was in 1941 that labor, as represented in the person of John L. Lewis began to show some of that disregard for the public which has since caused a good deal of anti-labor feeling. Strikes occurred in greater number than they had in 1937. In fact, some of the strikes were so bitter that the government had to send in troops and seize the struck plants in order to continue their operation. But with the entry of the United States into World War II, labor yielded its right to strike and to bargain collectively. As the war continued, prices rose. If labor were to stand by its word not to strike, some form of compensation had to be given. The War Labor Board granted "fringe" benefits and paid vacations and supported health and insurance plans. Lewis, however, was dissatisfied with the way the WLB was handling labor disputes and wage demands. On April 30, 1943, the nation found itself faced with the prospects of a coal strike which would have an effect not only on individuals but on companies engaged in producing war supplies. President Roosevelt appealed to the miners to return to work and told them that the mines were being taken over by the government. For six months Lewis played an on-again, off-again game, sending his miners out four times during this period. In October half a million miners walked off. An agreement was finally worked out between Lewis and Secretary of the Interior Ickes. Although Lewis did not win all he wanted, it was still a victory for him. But in winning, he had earned for himself, his miners, and for labor in general the condemnation of a nation at war which he had put second to his own interests.

Although most workers honored the no-strike pledge of their unions, the public was indignant at Lewis and other examples of union irresponsibility: "feather-bedding" practices, where a company is required by the union contract to employ extra workers who do nothing; jurisdictional strikes where men strike over what union has the "right" to perform certain kinds of work; and the failure of union leaders to control their members. These union abuses led to a widespread demand that something be done to discipline labor. Added to the public voice was that of anti-union propagandists who did all they could to take advantage of every labor misdeed. A bill sponsored by Representative Smith and Senator Connally was introduced in Congress which would strongly tie labor's hands. The Act was passed over President Roosevelt's veto. Labor now had to give a 30-day notice before striking, and before giving notice, a vote to strike by the workers was necessary. Giving money to political campaigns was also prohibited. The groundwork had been laid for the Taft-Hartley Act which was to come in 1947 and more strongly curb labor activities. Although labor continued to make gains in membership, with 14,000,000 members by 1945, there were additional signs of bitter struggles yet to come.

In order to understand better what has happened to labor up to the present day we have to go back to January, 1942, and the creation of the National War Labor Board. The Board was set up so that four of its members represented management, four represented labor, and another four represented the public. Its main purpose was to settle any disputes between labor and management which would interrupt defense work. In order to carry out its duties, labor was asked to give up its rights to strike as well as the right to collective bargaining without the government's sitting in on the talks. In other words, we have the government representing the people becoming a party to a number of agreements between management and labor which had, before the war, been left up to management and labor to decide.

There were two issues which were yet to be agreed to. One was the matter of compulsory union membership. Management didn't like the arrangement that was finally worked out: Those who joined a union that had made a contract with management had to remain members of the union as long as the contract lasted. If a worker failed to pay dues or failed to join the union at all, he would be fired. The other important matter was the question of wages. What was to be done to keep wages in step with rising prices? During the war, as industry turned to the manufacturing of defense supplies, the production of civilian goods was greatly reduced. There were not enough things to go around. As things became scarcer, prices rose still more despite government efforts at price control. If people had more money, the person who could pay the highest price would be able to buy those things which were already hard to get. In other words, what had at one time sold for 50 cents now sold for a dollar, and so on. This is called inflation. The government felt that it had to hold the line of prices and wages so that we would not have prices changing every day, people would know how much things would cost, and the government also would not be paying a different price for its planes and tanks every time it ordered them. In order to keep things under control, the War Labor Board established what was called the Little Steel formula, which was a way of figuring out how much of a wage increase should be given. But the wage increases granted under this formula were never as high as the rise in the cost of living. This fact plus the delays in handling all its cases caused labor to become extremely impatient with the War Labor Board. A number of strikes occurred during 1943. We have already seen what the public's reaction to these strikes was. As it was, wage increases were granted in the form of the fringe benefits mentioned earlier. These fringe benefits, originally developed by a government office on a large scale, helped create a new pattern of employment practices which **was** to be carried over far into the post-war years. And as organized labor increased its strength, government came to play a larger role in settling labor's and management's affairs. Organized labor more than ever before became dependent upon the government if it wanted to keep its powers. Not only did labor realize this but so did management. It was this fact which explains the Smith-Connally prohibition on labor's support in political campaigns.

Before the Smith-Connally Act had become law, the CIO had formed its Political Action Committee with the purpose of getting workers to vote in favor of President Roosevelt. Unions contributed some $670,000 to the PAC drive. Anti-union forces feared labor's inroads into politics and attacked the PAC as radical, un-American, Communist-dominated, and subversive. Governor Bricker of Ohio accused the Committee of trying "to dominate our government with radical and Communistic schemes." Nevertheless, Roosevelt was reelected along with 17 senators, 120 representatives, and 6 governors, all of whom had had the support of labor.

At the end of the war, the country was faced by the prospects of mass unemployment, reduction of overtime, and enormous increases in prices as controls were removed by the government. Labor argued that if employment were to remain high, the consumer buying power had to be maintained. President Truman, Roosevelt's successor, stated that workers should be given wage increases and that business could afford it without raising prices. Government economists published reports indicating that as of October, 1946, business profits were at their highest point in the history of the country. Industry denied this and rejected labor's demands for higher wages. If labor were to get more money, said industry, it would have to pass the increase on to the public in the form of higher prices. Labor demanded a look at company records to prove that industry could raise wages without raising prices. Management refused, saying that this was opening the door to labor control over business operations. Collective bargaining procedures had broken down.

1946 brought with it strikes by more than 2,000,000 workers. From plant to plant, industry to industry, in oil, meat packing, shipyards, trucking, a wave of strikes flooded the country. Among the major strikes were those in the auto, steel, and coal industries. President Truman wanted to keep the government out of the controversy as much as possible. Nevertheless, he set up six fact-finding boards which would have authority to look at industrial records and make public any information which was necessary to settle the strikes. General Motors refused to cooperate and walked out of the board's hearings when Truman said that the ability of a company to pay was relevant to settling the strike. Finally, strikes in steel and General Motors were brought to a halt with an agreement to raise wages 18.5¢ an hour, and in the case of the steel industry, raise the price of steel $5.00 a ton. The GM strike had cost the workers $130,000,000. Truman called for the use of the injunction against strike leaders in any emergency involving the public welfare and threatened to draft the workers into the armed forces if they continued to strike against the government. The railway workers, who were involved in a crippling strike, settled on Presidential terms.

By October, 1946, with the end of government price controls, prices took enormous leaps upward. Food prices rose 34 percent. In six months prices rose higher than they had risen in the past three years. Industry blamed labor; labor blamed industry. Both groups accused the other of greediness. John L. Lewis again led the new drive for higher wages as well as a shorter working day. Secretary of the Interior Krug denounced Lewis and asked for an injunction in line with Truman's earlier declarations. Lewis argued that the Norris-La Guardia Act prohibited the use of the injunction in labor disputes, but a Federal judge ruled that the Act did not apply to cases where the government was involved. Lewis refused to obey the court's order to return to work and was fined $10,000 while his union was further fined $3,500,000. The miners went back to work and later the Supreme Court reduced their fine to $700,000 but upheld the principle that where a strike threatened the nation's welfare, the government could step in and get an injunction halting the strike.

During 1947 it was reported that the increase in living costs had wiped out whatever gains the workers had made in 1946. And Robert R. Nathan, an economist, made public his analysis which sought to show that business profits had risen some 50 percent. Nevertheless, the rising tide of strikes had ebbed and 1947 was a year of comparative industrial peace. But this time the public reaction to the series of strikes in 1946 was not to be smoothed over. The drive to curb union power gained nation-wide momentum. Restrictive legislation was passed in some thirty states, with twelve of them coming out with "right-to-work" laws, laws which did away with the closed shop and other union protections. The anti-labor forces were once more in full swing. In 1947 a Republican Congress came up with the Taft-Hartley Act formally titled the Labor-Management Relations Act. The Act was vetoed by President Truman who denounced it as "bad for labor, bad for management, bad for the country." But Congress passed the bill over his veto and on June 23, 1947, the bill became law. The theory behind the Act was that under the Wagner Act so much power had been placed in labor's hands that the employer was no longer able to bargain on equal terms. Thus the new law, while keeping the provisions of the old National Labor Relations Act, asserted that employers had the right to appeal to the National Labor Relations Board when (1) a union tried to force a person to join a union when he didn't want to, (2) a union tried to get a worker fired because he didn't belong to a union, (3) a union went out on strike against an employer because he was still dealing with another employer who hired non-union help or was himself being struck against (this is called a secondary boycott), (4) a union forced an employer to hire workers or pay for work not actually performed (feather-bedding), and (5) when a union failed to give a sixty day notice that it wanted a new contract or was going out on strike. Meanwhile, employers could propagandize among workers against unions while union organizers could not reverse this procedure. All union officials had to swear that they were not Communists and all unions had to file certain information about their finances and salaries paid to their officers. Although the closed shop was banned, the union shop was still in effect. A union shop means that an employer might hire anyone, union member or not; but if a majority of all the workers in his plant vote to be represented by a union, the non-union member must join within 30 days after having been hired. Labor condemned the Act on many other counts. Among them were those sections of the Act which said that if a worker struck for higher wages, and the employer got someone else to do his job, the striker had been effectively replaced by the "strikebreaker" and was no longer an employee. Another part of the Act, Section 14(b) said that states which had passed "right-to-work" laws outlawing the union shop had a right to do so, even though the Taft-Hartley Act, itself, only banned the closed shop.

Labor Developments in the 1950's

In March, 1950, close to 4,000,000 people were out of work. Strikes and work stoppages broke out among the coal miners, longshoremen, aircraft workers, and auto workers. Oddly enough, business overall continued to make high profits, and the wages of those who were employed remained steady. With the Korean War in June 1950, prices rose further, production increased, and there was a drop in unemployment.

Suffering under the blows dealt them by unfavorable public opinion and the 80th Congress, both the CIO and the AFL realized as never before they had to enter the political arena. In 1952, both national unions supported Adlai Stevenson for President in hopes of amending the Taft-Hartley Act. General Eisenhower, the Republican candidate, was elected much to labor's chagrin. With the death of Philip Murray and William Green, heads of the CIO and AFL respectively, an era of labor prosperity seemed to have come to a definite end. The new leaders, George Meany (AFL) and Walter Reuther (CIO), confronted by the same problems, explored the possibility of merging the federations. Thus, as an unlooked-for effect of Taft-Hartley legislation, not only did labor increase its political activities but sought renewed strength in a merger of the houses of labor, bringing together into one confederation 17,000,000 working people, one-quarter of the working force of the United States. The merger of the two labor organizations promised a still more active campaign to organize the still unorganized workers, particularly those in textiles, chemicals, and the general class of white-collar workers. Efforts were strengthened to get more favorable legislation. Workers were encouraged to take an active part in their communities. Communist influence in unions was brought to a halt and a strong stand was taken against racial discrimination, corruption, and any unethical practices, such as feather-bedding.

In 1958 a Senate investigating committee uncovered signs of racketeering and corruption in several large unions. Individuals such as Jimmy Hoffa and Dave Beck of the Teamsters' Union had obviously used union funds for their own purpose and gain. The public was shocked to hear of union control by gangsters and other professional hoodlums.

President Meany of the AFL-CIO took the initiative in helping to rid labor of crooked leaders by throwing out of the AFL-CIO the 1,500,000 member Teamsters' Union, the largest union in the United States. Labor leaders, management, and the public demanded legislation which would insure that the Hoffas, Becks, and Dios (a well-known gangster) would be prevented from getting away with dishonest activities. The result was the Labor-Management Act passed in September 1959. This act is considered by many people to be tougher on organized labor than the Taft-Hartley Act. Some labor leaders, however, privately confess that the new law may help them clean up racketeers and restore labor's reputation.

Some of the new law's main points are: provisions for open union meetings and elections; regular reports to the U. S. Secretary of Labor; outlawing picketing of stores selling products of a manufacturer with labor troubles; and the barring of ex-convicts and Communists from union office.

RESPONSIBLE UNION LEADERSHIP

What is a union leader? He is a man who, having shown interest and ability, is elected by union members to run the union, represent them in talks with management, and handle union money which comes from the dues the members pay.

What kind of a man is a union leader? Some of them are like the men we met earlier, men like Samuel Gompers. They are devoted to the idea of improving the pay and working conditions of American workers; they want to see that workers are treated like dignified human beings. However, there is another kind of union leader. This man seems to be as interested in his own personal well-being as in the good of the workers who trust him. It is this kind of man who has been the subject of an investigation by the United States Senate. What the Senate wants to know and what people all over the country are asking is whether or not these union officials are living up to the trust placed in them by the workers who elected them. Are they using their power and money for the good of the nation, for the good of the union members, or only for their own private advantage?

One of the men whom the Senators questioned was Frank W. Brewster. As a young man in Seattle, Washington, Frank W. Brewster drove a horsedrawn wagon. He was a teamster in the days when horses and horse teams were used in all local transportation. World War I called Mr. Brewster away from his team for a year in the Army. When he came back to Seattle the horses were disappearing and he was given a truck to drive. But horse or truck young Frank was still a "teamster." He joined the Teamsters Union and was soon hired as a union organizer and business agent.

In 1920 Brewster was elected to a minor office in the union. Today Mr. Brewster is a vice president of the richest and most powerful union in the United States, the Teamsters. He is chairman of the Western Conference of Teamsters, which has 375,000 union members in 11 Western States, Hawaii, Alaska, and the western provinces of Canada. In his position as chairman of the Western Conference, he is in charge of the welfare and affairs of the 375,000 men who have elected him to this post and he also represents them in conferences of the International Brotherhood of Teamsters, which has a total of one and a half million members.

When he came before a committee of the United States Senate in Washington, Mr. Brewster described what the union has done for him in the years since he sat behind a team of plodding horses. From the answers he gave to the Senators' questions we see a picture of a man who has become wealthy and now lives a life of luxury, wearing expensive clothes and owning several big houses and a stable of race horses.

But where has this wealth come from? Bit by bit, the story of millions of dollars collected from the wages of union members and millions of dollars spent by their officers has come out. It seems that it is the usual thing for union leaders to borrow money from the union treasury in order to make money -- not for the union but for themselves. Of course, it is hard to prove that the money these leaders like Brewster have used for their own purposes is really union money, because so many of the financial records are missing. Where are they? "Somehow," says Mr. Brewster, "they accidentally got thrown into the trash!"

Those records that remain, however, give the following picture of the top official of the Teamsters in the West.

Frank Brewster, with the help of union funds, has been able to satisfy his life-long yearning for fast horses, fine clothes and rich living. He owns two racing stables which have brought him big rewards in money and admiration. Mr. Brewster has a home in the luxurious California resort town of Palm Springs; and there is another house, bought with $35,000 in union funds, with three apartments for the use of Teamster officers and their guests, also in Palm Springs. There are box seats at race tracks up and down the West Coast always available to Mr. Brewster and his friends, again paid for out of union dues. And Mr. Brewster can now satisfy his love for expensive ($180) tailor-made suits. "When I drove a team once, I saved up for a whole year and got a tailor-made suit and I was the happiest man in town," he told the Senators. Now he doesn't have to worry about saving for a year. He can have as many expensive suits as he wants. He says they are given to him by the union as "Christmas gifts."

Hearing this, Senator Mundt asked Mr. Brewster if he ever gave Christmas gifts to the "poor old teamster out there on the truck who is paying the dues" which buy Brewster's suits.

"I am glad you brought that up," said Mr. Brewster. "Every time that driver gets a pay check it is on there."

"What is on there?" asked Senator Mundt. "A gift?"

"No," answered Brewster, "the wage that he gets. That increase in the things that we are getting for him from time to time -- his health and welfare. There is 25 million dollars that was paid out in health and welfare that he never would have got unless we saw that he got it. That's what we're giving him in return. So I am willing to take my chances with that fellow. I don't fear him."

It isn't true that all the money the Western Conference gets from teamster's dues is spent on clothes, houses, and race horses for the pleasure of the officials. One year Brewster spent $500,000 to make sure that a law was not passed which he considered would be bad for his workers. And huge amounts are paid out in contributions to political campaigns. But is it absolutely necessary to spend so much money? And is this money wisely spent?

In 1954, the Teamsters backed a Republican candidate for sheriff in a county election in Washington State. He lost. Afterward, the Teamsters gave $2,500 to help pay the debts of the winner, a Democrat.

"This gets to be a pretty expensive way of doing things, doesn't it," asked Senator Mundt, "if you pay the expenses of the losers and then pick up the debts for the winners? It would cost a lot of money."

"Well, they are in office you know, for four years, so we have to get kind of friendly with them," Mr. Brewster said.

One of the Senators told how, during the years 1950 through 1953, the Teamsters had paid out a total of $99,999.65 to support political campaigns. He wondered if that amount of money wasn't a bit high.

"It sounds like a big figure," said Mr. Brewster, "but spread out over everybody that knocks at your door, it isn't too much."

Senator Mundt asked, "Do you support everybody who knocks at your door?"

"Most everybody," answered Brewster. "Sometimes we support both candidates for an office at the same time. Then we're sure the winner will be on our side."

Senator Kennedy wanted to know if Mr. Brewster believed that the union members would approve of spending nearly $100,000 of their dues for political contributions.

"Well, my opinion on the money that we spent for our political campaigns and so forth," Mr. Brewster offered, "is that they got it in higher wages. I think that we were able to keep down bad laws that were cropping up. I believe, whether it looks big or small, when it is spread over, I honestly believe that the wage scale and the wage agreements reflect what was spent."

But whether or not the workers are profiting from money spent for political purposes, the question remains: Is it necessary for Mr. Brewster himself to do so well at the expense of the union? In addition to his yearly salary of $26,000, he has an expense account which has amounted to as much as $22,000. And then there is the money he has borrowed from the union treasury-at least $58,000 -- and not yet paid back.

Why has Frank Brewster acted in this way? Why does he believe it is all right to borrow union money and live luxuriously? Perhaps it is because other officials in his union are doing the same thing. Let's look at the former president of the International Brotherhood of Teamsters, Dave Beck. How did he react to his position of power and responsibility?

Dave Beck has a big house in Seattle which is expensively furnished and has a big swimming pool. He built this house with money taken from the union treasury. He then sold it to the union for $165,215. This means, in effect, that the Teamsters union paid for Beck's house twice -- and Beck is still living in it. At another time, Beck bought two pieces of property for $39,000 and then sold these same properties to the union for $135,000.

Beck has also spent $85,000 of money from the union's treasury to pay for his furniture and clothes and to buy washing machines, refrigerators, and cars for friends.

How does all this "borrowing" affect the Teamsters Union? It was Beck's job to see that the members get the wages, working conditions, and job protection they need. Although it is hard to judge how well he did his job, it is fairly clear that members of the Teamsters Union aren't suffering. In fact, they're among the highest paid workers in the United States. And their union, the International Brotherhood of Teamsters, is the largest and richest in this country. The record of the present Teamster president, Jimmy Hoffa, is similar to Beck's although Hoffa has refrained from living so lavishly.

What have these men done with their power? Have they used it to make their workers happy and make other people respect the union? Or have they taken advantage of the high office to which they were elected by using it to make themselves wealthy and powerful men?

And what do the members of the Teamsters Union think of all this? Did the average union member -- the truck driver who pays $5.00 a month dues to the union -- know where his money went? And when he found out through the Senate investigation, how did he feel about the hundreds of thousands of dollars going into the pockets of union leaders? Interviews with union members after the Senate investigation indicated that they stood by their leaders.

THE EXERCISE OF POWER BY LABOR UNION LEADERSHIP

Today in America we have big government, big business and big labor. Whenever a group wields big power, it may come to threaten democracy among its members unless its power is in some way regulated and kept within bounds. The power of big government is regulated and kept democratic by the system of checks and balances, and by the citizens' final means of control, the vote. Big business does not claim to maintain internal democracy and it does not do so in fact. Big labor, like big government maintains that it is democratic, yet the men and women ruled by big labor often do not have the safeguards for their democracy by which the men and women subject either to big government or to big business are protected.

The Power Structure in Labor Unions

Unions have enormous power to shape their members' lives. They help determine how much an individual member will be paid, when he will begin and end work, how much work he must do in an hour, whether he is to be promoted to a better job, and whether he will be given special "seniority" advantages because he has worked for a firm for a long time.

This union power goes almost entirely free of regulation from within the union. There are no checks and balances among union leaders as there are among the branches of government to keep any one from becoming over-powerful. Union members who want to continue doing the same kind of work often cannot quit their unions.

Three practices often make it almost impossible for workers to reject union membership: the "check-off," the "union shop," and the "closed shop."

1. The check-off is an arrangement by which the employer deducts union members' dues from their pay before they receive it and turns the money over to the union.

2. A union shop is a business in which the employer has promised in a contract with the union that although he may hire non-union workers, he will fire them unless they become union members within some fixed period, say a month. Once they join the union, they must remain in order to keep their jobs.

3. A closed shop is a business in which the employer has promised in a contract with the union that he will not hire any non-union members at all.

The union leaders admit that such practices restrict the freedom of the individual workers. If a union member criticizes union leadership, he may lose union membership, and loss of union membership may lead to the loss of his job. However, because the check off, union shop, and closed shop have helped build powerful unions, most union leaders believe they are necessary for union survival.

It is worthwhile to examine the power structure of labor unions more closely to discover why union members are often unable to regulate their leaders' use of power. Many of you are probably members of clubs formed for one purpose or another. The structure of a labor union is much like that of a club; but a union is a club in which membership is usually limited to people who work in a particular place, for instance in a certain kind of factory or shop. The following chart, a brief form of the organization chart of the AFL-CIO, shows the relationship among union members, local unions, national unions, and the union federation.

LEVEL	POWER STRUCTURE	UNION NAMES	CHIEF FUNCTION
Federation	National Convention Executive Council	American Federation of Labor-Congress of Industrial Organizations	lobbying publicity
National	Officers: President, Secretary, Treas., Vice-Presidents	United Auto Workers, United Rubber Workers, and many others	contract negotiation by collective bargaining
Local	Various local Unions Individual Members	United Auto Workers Local No. 347, 348, and many others 15,000,000 members in all	grievance arbitration

The AFL-CIO includes many national and international unions. Any one parent national or international union (an international is so-called if it has Canadian membership) is composed of many local unions. Local unions may have as few as 25 or as many as 10,000 members. These members are expected to pay dues, to attend union meetings, to elect officers, and to vote on important issues.

At the federation level, the national and international unions of the AFL-CIO meet in convention every two years to discuss what legislation they will support and other important union affairs. At the time of the convention, the AFL-CIO acts as though it were an American political party. Delegates propose a platform and elect officers, a president, and a secretary-treasurer. There are also 27 vice-presidents who are appointed rather than elected. All the officers together make up an Executive Council which governs the AFL-CIO between conventions. The AFL-CIO also provides services to its member national and international unions in the areas of research, education, legal aid, and public relations.

In many ways the national and international unions are the most important groups in the union power structure. The national union engages in collective bargaining, takes part in political and law-making activities that have to do with union affairs, maintains its own headquarters and staff, elects its own officers, sets its own dues, and provides various services for its member unions. It is the national union that decides whether or not to give a local union the charter which then makes that local a dues-collecting member of the national.

On the other hand, the local unions are very important, too. The dues which local unions collect from individual union members form the financial foundation for the entire union structure. It is at the local level that most of the day-to-day business of the union is carried on. If a member has complaints about his foreman, his wages, or the management, he voices them to the local union.

A local union is set up very much like a club. There are elected officers: president, vice-president, recording secretary, financial secretary, and treasurer. The local officers are seldom full-time union employees, but rather ordinary workers. When such officers take time off from their regular jobs for union activities, the pay they have lost is made up out of union dues. Local officers are usually elected for two or three years. The larger locals may also have a full-time employee called a business agent, whose job it is to see that labor-management contracts are obeyed and to handle important grievances. (A grievance is a complaint). To aid the business agent with grievances, there is usually a grievance committee which supervises a number of union stewards. The union steward's chief duty is to deal with minor grievances.

The Misuse of Power by Labor Leaders

In 1957, the United States Senate set up a new bi-partisan Select Committee on Improper Activities in the Labor or Management Field under the chairmanship of Senator John L. McClellan. From the very first day it met it found startling evidence that dictatorial, corrupt, collusive and outright criminal leaders dominate many rank-and-file union members. Corrupt employers who either through fear or greed cooperate with dishonest union leaders make possible the leaders' continued domination. As George Meany said, "There were very few of these cases [uncovered by the committee] where there was a corrupt union official that there wasn't a corrupt employer on the other side of the table."

Undemocratic leadership practices are on the increase in American labor unions and take a number of different forms:

> In the past few years there has been a gradual movement among national and international unions to assume more and more control over local affairs. Sometimes a national union tells a local whom that local is to elect president, how high dues its members are to pay, and who is to be permitted to join the local. The national tries to prevent the local's members from deciding important issues for themselves.
>
> At the same time, there have developed both at the national and at the local level what are called political "machines" by means of which

people who have been elected to office seek to keep themselves in office whether the voters still want them or not.

(a) An official may appoint his friends to important committees or to other posts.

(b) An official may use unfairly the advantage given him over his opponents by the fact that he is already in office and controls the union newspaper. Because most union members seldom attend union meetings, all they know about union affairs is what they read in the union paper. If the union head and the newspaper editor join forces, the editor may then become a mere "publicity man for the president," who slants, omits, or even invents news items for the greater glory of the current president.

(c) An official may manipulate union meetings in such a way as to further his own cause. He may refuse to give opponents a chance to speak. He may arrange meetings for times when opponents are unable to attend.

(d) A local president may appeal to the national union for aid. The national wants people it knows and can trust in office, people who have received favors from the national and will repay them with other favors.

Corruption, which appears in business and in government, exists in labor organizations as well, where it milks union treasuries of funds that rightly belong to union members. Like union dictatorship, corruption comes in numerous forms. Making secret profits on property bought for the union, receiving kickbacks (forcing someone to give back part of the money you have paid him for some service), using union funds as security for personal loans, appointing relatives to well-paid but unnecessary jobs created especially for their profit, paying excessive rates for union insurance in return for personal favors from the insurance company officials, manipulating personal and union accounts in such a way as to avoid paying personal income tax, using union dues for personal election campaigns, creating easy jobs for friends by making them officers of "paper locals" that have no real reason for existing, simply taking union money outright for personal use -- these are all varieties of corruption.

Collusion in labor unions means a secret agreement among union leaders and employers for fraudulent or illegal purposes. Perhaps collusion is morally worse than corruption. Not only does it often mean loss of money for the union members, but it betrays the basic duty that labor organizations have to defend the workers' interests. Collusion has involved giving company officials confidential information about the union that weakens the union in negotiations, calling off planned strikes, negotiating contracts weaker than members want and have a right to expect, allowing a company to keep part of the union dues it deducts from members' salaries, and owning a company that hires union members so that there is a conflict between the union officer's private interests as owner and his union's interests. As a reward for collusion, union officials may receive discounts on or outright gifts of company products or stock; use of company limousines, airplanes, or other services; loans made by the company; or wage increases if they are local officials employed by the company.

Corruption and collusion are both illegal and immoral in labor unions, of course, and in that sense they are criminal. But for the purpose of this discussion, "criminal" shall be taken as applying to practices that more closely resemble our usual idea of criminal actions. Those union leaders who employ goon squads of "dues collectors" or "business agents" who throw stink bombs, sabotage company goods, use brass knuckles and guns to beat stubborn union members or company officials into submission, and dynamite and otherwise damage member or company property surely deserve the name "criminal."

Why Labor Leaders Misuse Their Power

The analysis of power abuse among labor leaders listed several kinds of misconduct: dictatorial behavior, corruption, collusion, and criminal action. We shall now investigate the separate causes for each kind of misconduct.

Some authorities on labor organization believe that the very nature of labor unions makes internal union democracy impossible, and that internal democracy in labor unions is not even a particularly good thing.

These authorities argue that a union can never be altogether democratic, because a labor union is by nature like an army. It must exact strict discipline from its members if it is to be effective. Strict discipline cannot exist with absolute democracy in an army, nor can it, it is argued, in a union.

The chief historical force that has reduced internal democracy in American labor unions, according to the same authorities, is a general American tendency toward centralization. Because business has become more centralized and thus "bigger," unions have had to become big and centralized in order to deal efficiently with business. When a contract is to be signed with the management of a nationwide business or when a strike is to be called against such a business, national union leaders cannot take time to ask each of their thousands of union members whether he approves of the various details in the contract or of the strike. Yet the leaders must be sure that individual locals and members will honor the contract or that they will take part in the strike before the leaders take any final action in their negotiation with management. In order to be sure, many national leaders take over almost complete control of the activities of local unions. They control jobs inside the local, its newspaper, and its funds. They can fine a member or expel him from union membership for such vague crimes as "conduct unbecoming a union member" and "insubordination." So centralization in business causes centralization in unions, which in turn causes loss of union self-government at the local level.

Other historical changes have also led to a reduction of internal union democracy. Three factors that at an earlier phase of union history acted to limit the power of union leadership -- voluntary membership, inter-union rivalry, and employer opposition -- are no longer very powerful. Once workers could choose whether to join a union or not; today in many places union and closed shop force workers to join a union. Once there were two or more unions competing for the membership of any single group of workers; today there is only one union in any one area. Once employers tried to destroy unions at all cost; today most employers find it more profitable to cooperate with union leadership. As past limitations on union leadership vanish, the temptation for union leaders to use their power in an undemocratic way increases.

Furthermore, it may be that it does not matter very much if unions are democratic. Some people say that the purpose of unions is to ge things the workers want from management, and that so long as the union leaders get these things, it does not matter if they are dictatorial. Others argue that unions are no longer very important to society, because the worker receives as much protection as he could possibly want from the government. If labor organizations are unimportant, then whether they are democratically organized is also unimportant. Indeed, it is argued that undemocratic labor unions are positively a good thing. Union members are likely to be short-sighted and somewhat selfish in their demands upon management. If union leaders can ignore these demands, as they can when a union is undemocratically organized, then union leaders are free to consider the long-term needs of the whole country, that is, the needs of business and the public as well as the union members.

Some authorities think they know several reasons for corruption among labor leaders. As unions grow less democratic, union members have less freedom to remove or even criticize their leaders, and the leaders have more freedom to do whatever they like even when what they like is not in the best interests of the union. Also, as the size of unions increases and union management becomes more complex, the men in power tend to believe that only they have the skill to run the union. Then they feel justified in rewarding their own skill by using the union for their own enrichment. Again, many a union leader today has convinced himself and his union members that his role is no longer to be a crusader and "one of the boys," but to dress, eat, entertain, and live on a scale as luxurious as the industrial leaders with whom he deals. One way the leader can achieve these ends is to use union funds for his own personal benefit. When union leaders thus lose contact with the members they supposedly represent and neglect the interests of the members in order to further their own interests by corruption and collusion, a new kind of organizing element may move in, the over-lords of the rackets; and the new leaders bring with them gangster methods.

Reforming Labor Leaders' Use of Power

Defenders of union democracy believe that democratic unions are not only good but also possible. They indicate that democracy already exists at the local shop level in many unions. The fact that local union officers do not work full-time for the union but continue to work part-time in the same factories or stores where their fellow union members work helps the union officer keep in close touch with the local members. Because the officers are easier to talk to, members are more willing to discuss their needs during lunch breaks and before or after work. When the local's officers fail to do something about members' needs, the members may then resort to "wildcat" strikes, slowdowns, and other anti-management activity in order to register disapproval of their own leaders.

Perhaps, it is said, democratic self-government could extend to higher levels in labor organizations if certain reform measures were carried out:

> Opinion polls, membership votes on vital issues, and televised union meetings might interest union members in union affairs to such a degree that they would demand fuller participation in union decisions.
>
> Union leaders might be trained to follow a professional code of conduct which specified respect for democratic leadership practices. The AFL-CIO, for example, has adopted what is called an Ethical Practices Code which is intended to keep the Federation free from leadership malpractice. The Code attempts to deal with many of the matters we have already discussed, e.g., union self-government, paper locals, kickbacks, employment of hoodlums and cooperation with racketeers, administration of union treasuries, and conflict of interests.
>
> Union presidents might be made responsible for their jobs to a governing board elected in secret elections by union members for a fixed period of time, say four years (as provided in the AFL-CIO Ethical Practices Code).
>
> Changes in national union constitutions might grant more self-government to the local unions, each of whose members work in a single factory and share common problems and needs. Such local unions have aroused worker interest and participation in several European countries.
>
> Membership meetings and conventions should be held at regular intervals and members should be notified well in advance of the time and place. This is also recommended in the AFL-CIO code.
>
> Union members should have the right to decide that they prefer some union other than that to which they belong, or even no union at all.
>
> Union members should be able to appeal to the public courts for protection if they are threatened or injured by other union members who disagree with them about the union's internal affairs, once again as suggested in the AFL-CIO.
>
> There should be safeguards against discrimination that prevents people from joining a union, just as there are now safeguards against discrimination that would prevent people from getting a job or an education.

One other reform measure has been tried, with a view to attacking corruption, collusion, and criminal activity directly (rather than indirectly by increasing member self-government). That is to attach a government monitor to any suspected union official. This monitor would investigate and report upon the leader's conduct of union affairs. The monitor method has been severely criticized; it is debatable how far a democratic national government should enter into the affairs of a private organization like a labor union in order to make sure that such an organization serves its members democratically and honestly.

A Long Range View of Labor Leaders' Use of Power

So far we have considered mainly the misuse of union power. It is time to step back and view unions in a more general and fair way. Few of the severest critics of organized labor would feel that modern unions are only a destructive force. While it is true that some unions limit the freedom of their individual members and cheat or harm them, it is certainly also true that much can be said in favor of unions. First, unions protect the workers' interests in large corporations. Second, by urging the introduction of grievance procedures, unions create a kind of judicial process in industry. Last, big labor can compete with big government and big business and prevent them from becoming all-powerful -- it helps maintain a balance of power. American unions today thus manage to advance the cause of the working man in the nation as a whole, despite the fact that in particular situations they sometimes work against him.

BIBLIOGRAPHY

Based on:

Kerr, Clark, "Unions and Union Leaders of Their Own Choosing." The Fund for the Republic, New York, 1957.

Lester, Richard A. "As Unions Mature: An Analysis of the Evolution of American Unionism." Princeton, New Jersey: Princeton University Press, 1958.

U. S. Congress, Senate. "The McClellan Committee Hearings, 1957." Washington, D. C.: Bureau of National Affairs, Inc., 1958.

NATIONAL LABOR RELATIONS BOARD V. JONES AND LAUGHLIN STEEL CORPORATION (1937)

Facts. Congress passed the National Labor Relations Act of 1935 to protect the rights of workers to organize, and to encourage collective bargaining procedures. In this case, the National Labor Relations Board set up by that Act ordered the Jones and Laughlin Steel Corporation to stop the "unfair labor practices" which it was carrying on (the Corporation had been firing union members merely because they were union members). The Corporation continued its practices despite the Board's order, holding that the National Labor Relations Act was unconstitutional in that it allowed the federal government to regulate labor practices.

The National Labor Relations Board asked a Federal Circuit Court to force the Corporation to stop. The Circuit Court refused to do so. The National Labor Relations Board then appealed the case to the United States Supreme Court.

Decision. Chief Justice Hughes wrote the majority decision of the Supreme Court, which reversed the lower court's judgment. The National Labor Relations Act could constitutionally empower the federal government to regulate labor practices. Four of the Supreme Court Justices dissented from this majority opinion.

Arguments Against the Majority Decision. The Constitution guarantees to the state, not only the power of local self-government, but also all powers not expressly granted to the federal government and it is a matter for local self-government. Thus, on two counts, the power to regulate labor relations is a power reserved by the Constitution to the states. In granting state powers to the federal government, the National Labor Relations Act becomes doubly unconstitutional.

The Constitution gives the federal government powers over interstate commerce. These powers cannot, however, be stretched to cover matters involved only indirectly in interstate commerce. The labor disputes involved in this case would affect interstate commerce remotely if indeed they would affect it at all. In granting the federal government power over such labor disputes, the National Labor Relations Act stretches the interstate commerce clause past the breaking point, and becomes unconstitutional.

The Fifth Amendment to the Constitution states that no person shall "be deprived of life, liberty or property without due process of law." The Seventh Amendment provides for the right to a jury trial in all suits at common law involving costs over $20. Under the Provisions of the National Labor Relations Act, the Jones and Laughlin Steel Corporation may be deprived of property by a decision of an appointed National Labor Relations Board, without due process of law. Insofar as the National Labor Relations Act violates the Fifth and Seventh Amendments, the Act is unconstitutional.

Arguments for the Majority Decision. The National Labor Relations Act has not granted to the federal government any powers that should be reserved to the states. Under the Act, the states retain control over labor relations that affect only local commerce. Only labor relations affecting commerce between the states becomes subject to federal control. Such control may constitutionally be regarded as a federal power under the clause of the Constitution that grants the federal government power over interstate commerce.

The National Labor Relations Act comes within a reasonable interpretation of the interstate commerce clause, and cannot be held to be unconstitutional on this ground. The Act does not grant the federal government power over all labor relations, but only over those that clearly interfere with interstate commerce. In the case considered here, the industrial conflict that would result if the Jones and Laughlin Steel Corporation did not end its unfair practices would obstruct interstate commerce immediately and directly because the Corporation engages in business in many different states. The federal government can constitutionally prevent such obstruction in the interest of preserving a smooth flow of interstate commerce.

The National Labor Relations Act does not violate the Fifth or the Seventh Amendments. Congress has previously set up rules of procedure that guarantee judicial protection against arbitrary action in administrative proceedings. Because former procedural rules and administrative proceedings have conformed to the spirit of the Fifth and Seventh Amendments to the Constitution, the similar procedures used by the National Labor Relations Board can also be considered constitutional.

PRECEDING PAGES MISSING

NEW YORK WATERFRONT LABOR

In 1931, twenty-five per cent of the nation's import-export traffic passed through the Port of New York. Twenty years later only fifteen per cent used this channel. The change certainly must harm the men whose occupation is waterfront labor. One of the many causes of the decrease in traffic has to do with labor. Shipping firms have found that other more civic-minded waterfronts offer more trustworthy and dependable labor than does New York City. They have taken their business to these ports.

A major reason why shipping firms fear New York dock labor is its reputation for criminal activity. Many shipping firms believe that in order to maintain labor peace, they must bribe the labor leaders. From 1947 to 1951, forty-three firms paid $180,000 to ninety-eight union leaders. Furthermore, shipping firms know that waterfront labor unions are run by known criminals. In only two years, the Waterfront Commission discovered 629 waterfront labor union members with criminal records; on these records were 3,190 involvements with the law, including 630 felony convictions.

Not only waterfront rank and file live on the edge of the law. On the contrary, men in union management are also believed to lead a shady existence. In one year, fifty-three of the seventy-one locals of the International Longshoremen's Association (ILA) failed to file the usual financial reports and non-Communist affidavits. After union leaders looted union treasuries of hundreds of thousands of dollars, they burned their account books, in six Brooklyn locals.

Crime extends beyond the waterfront union members and leaders into the civic administration. Throughout union history, waterfront labor leaders have often bribed officials to lease a pier at a low price and then sublet the pier themselves at a huge profit. Tabloid newspapers have flourished on these scandals for decades and reported them in full detail.

It would be difficult to find out exactly how much bribery and corruption now exist on the New York waterfront. There are a few facts, however, to indicate that crime is still extensive. In 1951, the press could report that the hiring boss of one pier had been arrested nineteen times -- three of them for murder. Since there was never enough evidence to convict him, he maintained a responsible position in American labor.

Conditions such as these continue because of the power of waterfront mobsters. According to Fortune Magazine, four mobs possess wide control of New York docks: the Bowers Boys, the McGrath-Ackalitis Gang and the followers of Mike Clemente and Albert Anastasia. Long-established relations with stevedore companies, and aid from laborers to whom the mobs grant privileges enable these mobs to maintain their power.

With this power, the corrupt elements of the unions can exercise control over the rank and file and even encourage it to protest against the government. On June 8, 1953, the ILA staged a one-day demonstration against the New York State Crime Commission because the Commission had made recommendations to reform the docks in order to aid the laborers. The ILA demonstrated the fact that the AFL had approved most of the Commission's recommendations and stated that it could find "nothing resembling legitimate trade union activity" in the ILA. In another similar incident on December 7, 1953, the Union struck against a law which regulates hiring practices and reduces injustices, and which forbids convicted felons to serve as labor union officials. Needless to say, the ex-convicts dislikedthese reforms. They formed a picket, comprised largely of men whose criminal record barred them from employment. These men successfully prevented many honest workers from earning a wage that day.

But not all waterfront evils are the fault of the longshoremen. On the contrary, the "public loaders" also share the spoils. What are public loaders? They are men who transfer material from dock warehouses to trucks. The public loader system started during World War I when the docks could not efficiently carry all the traffic which the War generated. Each truck driver usually had to wait for a chance to pick up his load. Rather than carry an assistant loader who would have to wait with him, the drivers found it cheaper to hire a bum or barfly in the neighborhood as the need for a loader arose. These were the first public loaders. Because it is a profitable way to earn a living, public loading attracted a more permanent corps of workers. Many of these workers soon developed a monopoly over one neighborhood. They also offered -- for a fee -- special speed-up service.

Eventually, some public loaders began to force their services upon industry. For instance, in 1950, one trucking firm paid $121,991 for the service. The public loaders' only job was to release the hoist clamps from a roll of paper as it was lowered onto a truck. This was a fine racket, except that not all firms would go along with it. For instance, the public loaders demanded that the New York Daily News hire their services at an annual fee of $300,000 -- to move newsprint fifty feet. Rather than pay this fee, the Daily News instructed its ship to sail for Philadelphia and to send the newsprint by mail. The extra cost was only $25,000 -- despite the fact that the distance is in miles and not feet. While the newspaper saved money, longshoremen and other laborers who could have served the ship in a necessary capacity lost. Men such as the public loaders make the New York Harbor's handling charges average about $1.50 per ton more than those of Baltimore, Maryland. While the public loading system must inevitably harm the union workers, the unions still put up with it and with other evils as well.

But the American Federation of Labor does not. It discovered that about 30% of the key men in the ILA had criminal records. On September 22, 1953, the AFL dismissed the Union from its organization. Although the AFL had tried to organize a new longshoremen's union to replace the ILA, it found the latter too well entrenched. Despite $1,000,000 spent on the campaign to win support for its union, despite a vigorous fight for better unions, and despite wide civic support, the AFL lost the September 1954 election that determined which union was to control the waterfront. The vote was 9,407 ILA to 9,144 AFL; 666 votes were challenged. Nevertheless the election guaranteed ILA supremacy.

But clamor for reform has produced several lasting effects. Of prime importance among these effects was the pressure brought to bear on Joseph P. Ryan, who had held office in the ILA for twenty-six years, and whose administration had been highly suspect for several years, to resign the presidency.

He became a retired president at an annual salary of $10,000 a year.

On the West Coast, the pressure of the AFL inspired a militant policy for the International Longshoremen and Warehousemen's Union, which fears that the AFL will attempt to control its territory also. (The ILA does not operate in the West). This union, led by Harry Bridges, is considered leftist, if not actually Communist-influenced. In December, 1953, the longshoremen, armed with clubs, pipes, knives, and hammers, nearly fought with the members of an AFL waterfront union. Finally, before actual violence broke out, the San Francisco police were called to maintain order.

A later, more indirect result of the reform pressure was the "decasualization" of New York waterfront labor. Under the previous "shake-up" system, men who desired work appeared from day to day wherever ships were to be unloaded that day. If a man was lucky, he was hired. Otherwise he had another day of unemployment. The situation promoted intransiency and racketeering. Although New York needed only about 30,000 regular longshoremen, 42,000 appeared at "shake-ups" at one time or another. They split the work among them. Because records are difficult to keep in so temporary and fluid an employment situation as this, cheating was easy. A typical racket was the "short gang." While a company hired twenty-two men (a gang), only eighteen actually worked. The remaining four were phonies, paid according to false employment papers. Wages of the four non-existent straw men went to the hiring boss, the pay clerk, or any corrupt labor officer who participated in the fraud.

The year 1953 introduced a new system, by which a company listed the men it needed for a week. Only the men listed appeared for work. There was no shake-up. Unfortunately, firms over-hired to prepare for emergencies, then released extra men.

The new "gang post" or "gang hiring" system reduces over-hiring because it allows the lists to be posted each day. Each day a central employment office records hiring information. If a man is not hired regularly, he is dropped from the list. This eliminates the marginal intransient who does not intend to work regularly and who often does not depend on the waterfront for his main income.

The employment situation for waterfront workers is improving in New York City. Longshoremen now receive over $2.00 an hour for daytime shifts and over $3.80 an hour for evening and weekend work. The nature of their work still means that longshoremen work for several firms in a month, but they can depend on more regular employment. Labor authorities believe that waterfront labor organizations have reached a point so low that outside pressure must force reform in order for these labor unions to survive.

BIBLIOGRAPHY

Fortune, December 1953

Monthly Labor Review, August 1953

RIGHT TO WORK LAWS -- #1

As we have already discussed, the Taft-Hartley Act of 1947 outlawed the closed shop and allowed states to pass laws outlawing the union shop. Currently nineteen states have such laws, known as "right to work" laws, which say that union membership shall not be a requirement for continued employment. Five states have passed right to work laws, but have since repealed them. The voters of a number of states have shown their dislike of such laws by defeating candidates for state office who supported right to work laws.

The right to work issue is one of the most talked about and least understood issues on the American scene. Most citizens have a vague idea that right to work laws can affect their lives, yet they know little about the precise effect of such laws. It is an important issue not only because it involves compulsory union membership as a condition for employment, but also because such laws bear on the whole process of collective bargaining. Some arguments pro and con are given below.

I. Views of Those who Support Right to Work Laws

Laws prohibiting union shop are supported primarily on the ground that they protect the freedom of individuals to make their own decision to join or not to join a labor union. The principle behind them is neither pro-union nor anti-union, but simply one of freedom. It is an obvious infringement on the liberties of men to require them to belong to any private organization in order to earn a living. Right-to-work laws thus safeguard the right of an individual to work at any job for which he is qualified, and which he can obtain, regardless of whether or not he joins or supports a labor union. It is also morally wrong to deny employment to individuals who for economic, conscientious, or other reasons do not desire to join a union, or who may not meet membership requirements of a union, or who have been expelled from unions.

Membership in a union is not necessarily related to the fitness of a worker for a job. Job qualifications involve ability and character, and these qualifications have little or nothing to do with membership in a labor union or any other private organization.

Membership in a union should result from the free choice of workers in response to the organizing activity of the union itself. Under required union membership the threat of discharge becomes the most important factor in organizing activity, rather than the accomplishments of the union. Supporters of "right-to-work" laws hold that such laws insure that labor unions will recruit and hold their members purely on their continuing ability to work for the true interests of those they are supposed to represent and thus become more useful to society.

Some people are apprehensive that required union membership may enable a single union either to spread through an entire industry, like transportation, and gain control of an essential service.

The practical results of state "right-to-work" laws are good because: (a) While there may not be a causal relationship, the 12 states which have had such laws since 1947 have shown increases, percentage-wise, exceeding the national average in per capita earnings, industrial employment, retail sales, and bank savings accounts. (b) These 12 states also have a record of greater labor-management harmony (as measured by number of man days idle from strikes and work stoppages) than the national average.

"Union security" agreements are certainly not essential to effective collective bargaining by unions.

II. Views of Those who Oppose Right to Work Laws

The right of workers to organize in free unions and to bargain collectively has not yet won universal acceptance by employers. Threats to the existence of unions are continuing and real. The drive for state "right-to-work" laws is a thinly disguised attempt "to weaken labor unions and to lower standards of wages and working conditions." These laws are grossly mis-named because they do not give anyone a right to a job.

The man who works is more than an individual; he participates, which makes him part of a group. An accepted principle of democracy for group life is the rule of the majority. Under the law, unions are certified as representing all employees in what has been determined as the appropriate bargaining unit. Although the terms of a contract negotiated with a given employer are applicable to all the employees, individual employees who are not union members do not have the corresponding responsibility toward their collective bargaining agency. Required union membership helps to create and maintain union responsibility. By the same token, laws prohibiting union shop agreements make it more difficult for unions to develop and maintain responsible loyalty to contract agreements because those who do not belong to the union will not be subject to union discipline.

Some further maintain that the fact of employment carries an obligation to share in the efforts for better conditions of work. Every worker owes a day's work for a day's pay, but what does a worker owe a labor union whose efforts have improved the conditions in which he works? A non-union worker in a shop where conditions of work reflect labor union activity falls heir to benefits from the efforts and sacrifices of others. The worker who takes the benefits should share in the cost and effort required to achieve them. There is a fundamental difference between unions and other voluntary organizations because of the legal requirement that, as the authorized bargaining agent, the union must represent all employees covered by the contract, thus carrying the cost of processing grievances and otherwise representing the interests of those who do not belong to the union on the same basis as those who do belong.

The practical results of state "right-to-work" laws are harmful because: (a) large multi-state companies will be unable to achieve a master contract because state laws will vary too greatly; (b) in the absence of union security the internal plant relationships between workers will deteriorate because those who support union membership will regard those who do not as "chiselers." (Preoccupation with grievances slows down production), (c) states with such legislation (except Nevada which it is claimed has unusual benefits from resort and tourist trade) have per capita incomes below the national average and thus enactment will serve to keep them retarded.

"Right-to-work" laws interfere directly with the freedom of the employer and the union (after it has been designated as the responsible bargaining unit for all the workers) to agree upon the terms of the collective bargain.

BIBLIOGRAPHY

Union Membership as a Condition of Employment -- A statement approved by the Executive Board of the Division of Christian Life and Work. The National Council of the Churches of Christ in the U.S.A., (N.Y., 1956).

STEELWORKERS -- A CONTROVERSIAL UNION

The United Steelworkers of America is considered by many to be one of the most centralized and least democratic of all unions. It is no secret that most of its power is concentrated in the hands of a few men. Because an exceptionally large percentage of the union dues goes to the central headquarters, rather than to the locals, the headquarters holds a tight grip on the purse-strings. The international leaders control the local leaders. In a relatively autocratic manner, the main headquarters does the work and takes the rewards of power. Before any judgment can be made about the union, it is necessary to ask a few questions: Is there any other system possible in such a large union? How does the system work in practice? Does it harm the worker? If it is harmful, does it bring advantages that counter-balance the harm?

As regards the first question, steel is a huge industry, and its labor force is correspondingly large. The per capita consumption of steel in the country is about 1,300 pounds a year; in other words, the average person uses roughly ten time his weight in steel. The firms which produce most of this steel are huge and powerful; to deal with them, a union must be their equal. Fortunately for the worker, the union has a huge membership of 1,250,000. Truly united, they can hold their own against the manufacturing giants. But obviously, for each worker to participate actively in the affairs of this large union would seriously interfere with efficient labor management. To make any decision would require a huge expenditure of time if all workers participated in the decision-making process. Because there is a need for an efficient union government, a centralized system of government has developed. The means to strong, centralized leadership are the union's constitution, its president, and its extensive public relations program.

The constitution needs only a few articles and clauses to ensure strong centralized leadership. One such article stipulates that the international union be a party to every contract which a local makes. As a result the local can make no major transaction which the central headquarters does not like. The headquarters holds a veto power. Needless to say, no local holds such powers over the central union.

Another constitutional arrangement requires that resolutions to be presented before the union convention first be screened. Once presented, the resolutions cannot be amended from the floor. Furthermore, when a non-official speaker rises to speak against a resolution approved by higher headquarters, he often finds himself heckled; he is not encouraged to continue his speech. The union leaders claim that such methods are necessary if anything is to be accomplished in the five-day convention. If each of the delegates came forward with a lengthy speech, the convention might continue indefinitely and achieve very little. At the same time, however, the system does hamper free speech.

Still another clause in the constitution tends to suppress opposition to the union leadership. To run for international office, a union member would need to be nominated by forty locals. It is extremely difficult for an ordinary worker to gain so much support. First, much time would be required to arrange these nominations; a man working in a mill might find it impossible to work and to run for office at the same time. As it is unlikely that forty locals would favor any candidate whom the central administration opposed, new officers usually see eye to eye with the union's old guard in the central administration.

Other articles in the constitution grant huge powers to the president. Subject to approval by the executive board, which is usually granted, the president appoints all organizers, representatives and agents, and fixes their salaries. Such powers give him huge control over his employees. Moreover, also subject to the executive board's approval, the president can suspend employees as he sees fit. But perhaps the greatest of all his powers is that the president can, again subject to approval by the board, interpret the meaning of the union constitution. Whereas the federal government separates its executive and judicial branches to advance the checks and balances system, in the United Steelworkers, executive and judicial functions are combined. Within his union, therefore, the president of the USWA has more power than the American President has in the United States.

Yet these powers would mean little if the individual who was union president did not use them. The union has had only two presidents so far, and both of them have used their authority. The current president, David McDonald, was a close friend of the former president, Philip Murray. Though McDonald is considered capable, as was his predecessor, few call him a democratic representative of the workers. In some aspects, he is the reverse. He did not rise from work in a steel mill, but rather from a desk job in the union. Although he originally wanted to become an actor, he settled in stenographic and then administrative work. In this capacity, he gained President Murray's attention, and he rose through official ranks to become the Steelworkers' treasurer. There he effectively controlled the budget and union salaries. Completely outside the old union leader tradition, McDonald married a Cleveland socialite, Emily Lou Price. He is sometimes seen being driven in a black Cadillac limousine. On his $50,000 a year salary, he can and does buy a large part of his wardrobe from fashionable Brooks Brothers. In fact, his attitude toward clothes is typical of his attitude toward his job. He demands that his subordinates be well-dressed "because they are meeting a lot of well-dressed employers and should look like what they are -- since they are big men also."

Not only constitutional provisions and presidential personality, but an effective public relations program as well, maintain the strength of the central management. In February, 1957, the union convention re-elected officers and voted a dues increase. The union publication, Steel Labor, handled the issues in such a way as to advance the aims of the central management. A month before the elections, it casually informed the readers that in a few weeks they would have to decide upon officers for the following four years. Until this time, many workers had not known of the elections; possibly some candidates were equally uninformed. The result was that opponents had little time to organize. Moreover, once an opposition did develop, the union publication gave almost no mention to the opposition candidate, Donald Rarick. It also had very few words for the dues increase, which was extremely unpopular. After a month had passed, Steel Labor mentioned on page twelve, "The new constitution set monthly dues at $5." Clearly, such suppression of important news tends to increase central power more than to develop an informed union electorate.

While the system is admittedly not democratic, is it harmful to the worker? On the positive side, the steelworker has never had it so good. Many hot and dangerous jobs in the steel industry have been eliminated, largely through union pressure. Whereas the typical worker of another generation worked close to the molten metal, under miserable conditions, the modern worker may do his job by means of push buttons in a pleasant booth yards from the metal. The steelworkers' income, moreover, is excellent; the average worker receives about $2.75 an hour. On a weekly basis, he can count on an average of $105 each pay day. Many earn $7000 a year or more. Between 1952 and 1957, of all the major industries, steel had increased its wages the most -- a whopping 46%. Most labor experts agree that the concentration of union forces in one tight organization to deal with the powerful steel firms has helped steel workers to gain these benefits.

Despite all their material advantages, many steelworkers are dissatisfied. In the February 1957 elections, thousands made an unexpected protest. While dues rose from $3.00 to $5.00 a month, the president's salary rose from $40,000 to $50,000 a year. For the first time in the union's history, a real opposition arose and commanded a substantial vote. Donald Rarick, a $3.25-an-hour worker, opposed the mighty union machine and received 223,516 votes to McDonald's 404,172. Although Rarick was far from winning, the election was significant in that, despite worker prosperity under the old regime, the opposition had received substantial support. Perhaps now that workers have received a measure of wealth, they want democracy as well.

Of the questions this article has posed, only one is left. "Do the advantages of a strong union counter-balance the evils of a fairly undemocratic one?" This question remains to be answered.

RIGHT TO WORK LAWS -- #2

Although right to work laws seem innocent enough, they have provoked a wide variety of opinions and passions. Labor leaders are generally against them. According to one labor spokesman, George Meany, head of the AFL-CIO, "Right to work legislation would kill the patient (the labor movement, presumably) in order to cure a local infection." Other labor leaders criticize the legislation on the grounds that under right to work laws all workers will benefit from settlements achieved by strikes, while only those workers who actually belong to the unions and who strike will bear the full burden of striking. On the other hand, another labor spokesman, Guy L. Brown, President of the Brotherhood of Locomotive Engineers, believes that the labor organization has such a good "product" that it need not use force to persuade workers to "buy" it. Long before any right to work law was passed, labor pioneer Samuel Gompers stated "I held and I hold that if a union expels a member and he is deprived of his livelihood in theory or in fact....it is capital punishment." Brown, and probably Gompers, too, mean that union membership should not be made a condition for employment and that right to work laws are not a hardship on honest unions.

Leaders of industry generally favor the laws. The United States Chamber of Commerce fervently supports the laws. A few corporations have also taken a positive stand. Ralph J. Cordiner, Chairman of General Electric's Board of Directors, says:

> "By granting to union officials the entrenched position of a union shop, many employers have withdrawn from their union members their most powerful instrument of control over their own officials -- the freedom to withdraw from the union or to refuse to join it."

Many firms, however, have not taken any strong position one way or the other. Possibly some companies fear that if industry supports right to work laws actively, it may arouse suspicion that right to work laws are somehow a weapon management can use against unions.

The Eisenhower Administration refrained from making known any official attitude on the right to work issue, but it did seem that the Administration generally opposed federal right to work legislation. Former Secretary of Labor, James Mitchell, objected to the laws since they didn't create any jobs and limit the freedom to bargain collectively. He said that the union shop was a "perfectly legal, and a perfectly moral arrangement."

The Catholic Church, which is strong in northeastern industrial areas where right to work laws are a major issue, usually opposes the laws. An article in the May 1957 issue of Catholic World, entitled "Mercy Killing in Industry," and other articles advance the general thesis that right to work laws are designed to wound labor unions rather than to cure the ills of workers. The National Council of Churches of Christ in the United States, a large organization of many different Protestant denominations, also opposes these laws.

Other individuals and organizations favor the laws. The DeMille Foundation for Political Freedom, following the November 1958 elections, declared that "we are not retreating. It took 50 years to get women the right to vote. With increased determination and harder effort, we can still gain for every American the right to work."

* * *

In the nineteen states that now have right to work laws, the laws have had little direct effect because most of these states are not highly industrialized. The situation in some states is as follows:

Four states -- Maine, New Hampshire, Delaware, and Louisiana -- each passed a right to work law and later repealed it.

Alabama passed the law in 1953. Since then, it is usually agreed, the law's main effect has been to scare unions. Strong unions have been somewhat discouraged and new ones have not often been organized.

Arizona passed the law in 1946, but the closed shop, to say nothing of the union shop, is still in effect in some areas. If their employer hires a non-union man, union members are likely to become "sick" suddenly.

Arkansas and Florida had right to work laws as far back as 1944. Because the union shop had never really been widespread in either state, the law made little change in the labor situations there.

Indiana's law was passed in 1957 after a long and difficult struggle. Of the nineteen states which have passed right to work laws, Indiana is probably the only strongly unionized state. Before the 1957 voting, a series of large strikes by powerful unions had gained unfavorable public opinion, and may have swung the election for the right to work laws. Because the law was not to affect any closed shop contracts made before a certain date, however, unions hurried to press through three and even five-year closed shop contracts. Consequently, the full effect of the Indiana law has not yet been felt.

Iowa passed right-to-work legislation in 1947. Union opposition was strong; fifty thousand workers marched in protest to the state capital. In effect, many Iowa shops are still closed.

Of six states in which right to work legislation was an issue in 1958, Kansas was the only one to pass such legislation.

Two states whose action in the right to work controversy is of particular interest are Texas and California.

Texas and the Right to Work Law

Texas passed its right to work legislation in 1947 after a violent struggle. Although a similar bill had appeared in 1945, it was not then passed. A group called the "Christian Americans" took photographs of those legislators who voted against the 1945 bill and attached the pictures to portraits of a Texas woman who was a Communist party leader. With the pictures ran this caption: "Where she leads, we follow." Such publicity may have had no influence upon the voting, but it does suggest the climate in which legislation was discussed and passed. Despite all the tumult over it, the law has neither destroyed Texas unions, nor granted Texas workers liberty.

It had been feared that the law would hinder the unions because it outlawed the "check-off" -- it forbade employers to deduct union dues from a worker's pay unless the worker had given written authority for such deduction. In practice, many labor-management contracts dodge this prohibition by various lawful means. The contracts provide for a self-renewing voluntary "check-off" which ensures the union temporary maintenance of membership but offers the worker a means to escape from union membership. Voluntary check-off is only one of many legal devices which have cushioned Texas against the effects of the right to work law.

Perhaps because they have been so cushioned, unions in Texas have not suffered. There are today one third more union members than there were in 1947 before the law was passed. In the building trades in which roughly half of Texas' workers are employed, 93% of the workers in companies which are unionized belong to unions. The printing industry reports that in 130 out of 148 "bargaining units," union membership is 100%.

While the right to work law has not harmed the unions, it has failed to help the workers increase their individual liberty. It is claimed that in many industries when a non-union man is hired the union either requests that he be fired or that a union man be hired as well for the same job. If the request is not granted, the union workers often fake illness at a critical moment. Furthermore, the right to work law has sometimes increased the tension between the non-union worker and union member. In Port Arthur, a highly unionized city, children of union members often refuse to attend birthday parties given for the children of non-union men. In general, Professor Frederick Meyer claims the right to work law has had "minimal direct effect" in Texas but that it is a symbol which may become very important in future labor conflict.

The Right to Work Issue in California

In California right to work legislation has been important as both a political and an economic symbol. California defeated a right to work bill in 1958, and the defeated proposal pulled down to defeat almost every major California Republican candidate who backed it. Because the right to work issue played so large a role in the election, the pre-election campaign deserves attention.

Many states which were considering introducing right to work legislation watched the course of the California elections closely, where such laws were an important issue. The fate of the right to work law in California might discourage attempts to pass such legislation in other states. Because the legislation was usually associated with the campaigning politicians, aspiring politicians in other states observed closely the voters' reaction to the right to work legislation supporters in California.

It is generally believed that William F. Knowland, then the Republican leader in the U. S. Senate, felt that if he could win the governorship of California, he might well win the 1960 Republican nomination for the President of the United States. In the 1952 Senatorial campaign he had won by the extraordinary ratio of seven to one and had attracted the largest vote ever polled by any California candidate. As a result, Knowland was confident. He may also have thought that his right to work stand could aid his election effort. A public opinion poll supposedly showed that a majority of California voters, including 45% of union labor, favored right to work legislation.

But Knowland lost the election to Pat Brown. Why? First, organized labor went all out against him. While the public opinion polls may have reported accurately the opinion of rank and file union members, they underestimated the influence of union leadership. Secondly, in part because of the stand labor leaders were taking, other Republican candidates began to back down and to softpeddle the right to work issue. This left Knowland isolated. It should also be said that a number of campaign blunders also harmed Knowland.

The man Knowland was to replace as governor, Goodwin Knight, a fairly liberal Republican who had increased state benefits to labor and who enjoyed labor support, was the Republican candidate for the U. S. Senate. When Knight opposed the right to work legislation, he split the Republican Party in California. His Democratic opponent was Clair Engle, a former boxer, pilot, and Congressman. Engle had favored the Taft-Hartley Act and was careful to avoid being labeled a labor puppet.

The big winner in California, however, was not Engle who defeated Knight, but Pat Brown, who opposed right to work laws and polled 606,000 more primary votes than Knowland and won the final election by a similar landslide.

The main reasons for the Democrat's overwhelming victory in California were probably the split in the Republican Party and labor's opposition to right to work legislation and to the Republican candidates who supported it. The split in the Republican Party would not have been so wide if right to work legislation had not come up. In California, as in many other states, the voters associated right to work laws with the Republican Party. Many believed that through the right to work laws the Republicans intended to ruin labor. If right to work legislation had not been a major issue, the labor organizations would undoubtedly have fought the Republicans with less determination than they did.

The net effect of the California election was to prove that right to work legislation is an extremely explosive issue. Many Republicans believe that once-popular Knowland was defeated by the position he himself took on the right to work law rather than by his Democratic opponent. In the future politicians will think twice before taking such a bold stand on the matter. The controversy over right to work laws can influence not only labor relations but also the course of American politics.

THE THOMPSON COMPANY

The door of the little bungalow that John and Mary Zasjinski had called home for the past twenty-five years slammed shut. Mary was startled.

"That you, John?" she called from the kitchen.

"Yes," a subdued, dejected voice replied from the living room.

When Mary walked into the living room to greet her husband, she didn't see the erect, handsome, smiling man who had returned home at 5:30 every working day for the past forty years. She saw a tired, stooped man with an expression of bewilderment and hurt.

"John, what happened?" asked Mary. Although she had a good idea what had happened. For the past few years labor organizers of the International Union had stepped up their activities at the Thompson Company. They had put a great deal of effort into their work. At first they tried to persuade the workers by telling them of the great advantages that the Union would bring them. As their membership at Thompson increased, pressure was brought to bear on those men, like John, who preferred to remain in the company union. Finally, an election was held among all the workers and a majority decided that the International would be their official bargaining agent in discussions with the management of the Thompson Company. The Company would now have a union shop -- that is, anyone working for the Company would have to join the Union.

"It's happened, Mary. I had to join the union in order to keep my job at Thompson's." John's normally strong voice seemed to crack.

"But, John, wasn't there any other choice you could have made?" asked Mary with a real feeling of love and sympathy.

"No, Mary. You know I just didn't want to join. I feel that our old union has done lots of good for us workers at Thompson. We have had good wages and working conditions and have missed very few days of work because of strikes or layoffs. Besides the new union is not the kind of organization I like. You know that, Mary."

"But, John, you had to swallow your pride and join."

"I know, Mary. That's what hurts. I never compromised my principles before. I know that the new union has done a great deal for its members throughout the country, but I just don't want to be a member. The Senate Committee hearings last year showed that many of the leaders are crooks. However, since most of the workers want the union, I think they should be allowed to join it. But I don't think it's right or just that I should have to join. It's not the money -- dues are only a few dollars a month. It's the principle of the thing."

"But, John, what else could you have done? Where would you have gotten a new job at your age? You aren't young any more. Even though it isn't right, you had no other choice." Mary began to sob.

"No, it just doesn't seem right, does it," said John as he slipped his arm around Mary's shoulder and tried to comfort her.

THINGS TO COME

The Basic Issue

As a new President takes office in 1961, the problems in labor-management relations remain many and difficult. Management, through such groups as the National Association of Manufacturers, is attempting to bring its story more strongly than ever before the people of the country. It feels that Big Labor now has a position so strong that it might soon be able to dominate management and government. Labor, on the other hand, feels that management is using any excuse it can to crush the labor movement. It points to the Landrum-Griffin Act of 1959, which labor claims goes beyond its stated intent of cleaning up criminal practices in some unions. Sitting by, watching closely, and wondering what is happening to its rights, is the American public. It asks some important questions. Will labor-management battles always lead to higher prices which we the public have to pay? Do the positions these two groups take lead too frequently to great inconveniences and hardships for the public, as in railroad and steel strikes?

Plans

Arthur Goldberg, Secretary of Labor and former counsel for the AFL-CIO, has supported a plan aimed at better labor-management relations. The government would sponsor conferences of top labor and industrial leaders. The idea is to have talks about matters which have nothing to do with labor contracts. It is hoped that these talks on such subjects as the problems of old workers, automation, and inflation would help clear the air between the two groups.

Another proposed course of action is supported by some people who feel that the country is often harmed when labor and management do not come to agreements more quickly in disputes that directly affect the general welfare. They point to long disputes in the steel and transportation industries. This plan would call for compulsory arbitration -- government decision which would be binding on both management and labor -- after a certain period of time when normal negotiation has failed. This plan is violently opposed by many persons who fear that it gives too much power to the government.

Growth of Unions

Only one-fourth to one-third of America's working population are members of organized labor. Thus we can expect increased union attempts to organize this great number of people who belong to no union. One group of workers who thus far has shown little interest in unions, but who may change its mind is the white-collar workers. Also attempts will be made to organize city and town employees such as firemen, policemen, and teachers. Unions have and will continue to run into difficulties in this area, however. These people are under strong public pressure (and in some states prohibited by law) not to strike, and as we have seen, the strike is labor's most powerful weapon.

Automation

Automation means speed, efficiency, and hopefully, higher profits to business. But it also means the possibility of unemployment for millions of workers whose jobs are being taken by machines. On one side of the issue some businessmen claim that automation will eventually mean greater productivity and more jobs. They point to numerous examples in history in which workers resisted new labor-saving devices for fear of losing their jobs only to have these industries grow and expand and create new jobs. These businessmen admit that some workers will be hurt temporarily -- this is inevitable -- but in the long-run productivity will increase and more jobs will be created.

Union officials and workers are concerned with what happens to those men who are replaced by labor-saving devices. They admit that maybe in the long-run there will be more jobs. But what, they ask, happens to the workers in the meanwhile? How can they eat? How can they support themselves and their families? These men can point to the United Mine Workers, whose president, John L. Lewis, encouraged modernization of the coal mines in return for better hours, wages, and working conditions. Today the UMW is one of the wealthiest unions in the nation, but there were 400,000 bituminous coal miners some twenty years ago and only 200,000 remain today. Many of those who were sacrificed to modernization are the unemployed, underfed, suffering people of the depressed areas of West Virginia and Kentucky.

The longshoremen's union and the West Coast maritime employers came to an agreement on October 18, 1960, which may set a standard for those who want to work out a compromise between the long-run advantages of automation and the short-run needs of the workers who would be replaced by labor-saving devices. Under this agreement the employers are free to introduce new procedures and machinery with the knowledge that the union will accept them. The union will receive a portion of the savings made for the company by the new machines. This money will be used for the union pension fund and to insure all union members continuing employment until 1966.

* * *

These are only a few of the problems that face our country in the field of labor-management relations. The issues are complex and answers will only be found by union and business leaders who consider the welfare of the nation as well as their own interests.